



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० ४८]
No. 48]

नई दिल्ली, गणवार, नवम्बर २८, १९८१/प्राह्णायण ७, १९०३

NEW DELHI, SATURDAY, NOVEMBER 28, 1981/AGRAHAYANA 7, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड ३—उद्धारण (ii)

PART II—Section 3—Sub-section (ii)

(राज मंत्रालय को सौंचकर) भारत सरकार के मंत्रालयों द्वारा जारी कि गए सांविधिक आदेश और ग्राहेसूचनाएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, ग्राम और कल्यानी कार्य मंत्रालय

(विधि कार्य विभाग)

सूचना

नई दिल्ली, २३ नवम्बर, १९८१

कानू० ३२४०—नोटरीज नियम, १९५६ के नियम ६ के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सैलेन्ड्र नाथ चट्टर्जी, प्रविष्टकाता, १०१/A, मिडल रोड, कलकत्ता-७०००१४ ने उक्त प्राधिकारी को उक्त नियम के नियम ५ के अधीन एक प्रावेदन इस बात के लिए दिया है कि उसे १० बंगाल के २४-परगनाज जिले में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति श्री नोटरी के रूप में नियुक्ति पर जिसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के दौरान दिन के भीतर लिखित रूप में देरे पास भेजा जाए।

[सं० फा० ५(३०)/८१-ग्रा०]

के० भी० श्री० गंगबानी, मन्त्रम प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS

(Department of Legal Affairs)

NOTICE

New Delhi, the 23rd October, 1981

S.O. 3240.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956,

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that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Sailendra Nath Chatterjee, Advocate, 101/A, Middle Road, Calcutta-700014, for appointment as a Notary to practise in 24-Parganas District of West Bengal.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(30)/81-Judl.]
K. C. D. GANGWANI, Competent Authority

वित्त मंत्रालय

(आधिक कार्य विभाग)

(वैकाग प्रबन्ध)

नई दिल्ली, ७ नवम्बर, १९८१

कानू० ३२४१—नियोज बीमा और प्रस्त्रय गारंटी नियम प्रधिनियम, १९६१ (१९६१ का ४७) की धारा ६ की उपधारा (१) के खंड (८) के उपवर्धों के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा वम्बई के बाटाई एक्सचेंज श्री एस० श्री० चट्टालिया को १२ नवम्बर, १९८१ से प्रारम्भ होने वाली दो वर्ष की अवधि के लिए नियोज बीमा और प्रस्त्रय गारंटी नियम के नियोजक के रूप में नामित करती है।

[सं० एफ० ६/७/८०-बी०-१(१)]

**MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)**

New Delhi, the 7th November, 1981

S.O. 3241.—In pursuance of the provisions of clause (d) of sub-section (1) of section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri S. V. Ghatalia, Chartered Accountant, Bombay, as a director of the Deposit Insurance and Credit Guarantee Corporation for a period of two years with effect from 12th November, 1981.

[No. F. 6/7/80-B.O. I(1)]

का०आ० 3242.—निशेष बीमा और प्रत्यय गारंटी निगम विधि-नियम, 1961 (1961 का 47) को धारा 6 की उपधारा (1) के अंदर-(३) के उपबच्चों के अनुसरण में, केन्द्रीय भरकार भारतीय रिजर्व बैंक से पगमर्श करने के पश्चात् एतद्वारा भारतीय औद्योगिक विकास बैंक बम्बई के कार्यालय निवेशक श्री सी० प्रार० सेंगपुत्रा की 12 नवम्बर, 1981 से प्रारम्भ होते वाली दो वर्ष की अवधि के लिए निशेष बीमा और प्रत्यय गारंटी निगम के निवेशक के रूप में सामिन करती है।

[संख्या गफ० 6/7/80-बी०ध०-१(२)]

च० वा० मीरचंदानी, उप भवित्व

S.O. 3242.—In pursuance of the provisions of clause (e) of sub-section (1) of section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri C. R. Sen Gupta, Executive Director of the Industrial Development Bank of India, Bombay as a director of the Deposit Insurance and Credit Guarantee Corporation for a period of two years with effect from 12th November, 1981.

[No. F. 6/7/80-B.O. I(2)]
C. W. MIRCHANDANI, Dy. Secy.

दारिद्र्य संबंध

(मुख्य नियंत्रण, आयात एवं नियंत्रण का कार्यालय)

नई दिल्ली, 31 अक्टूबर, 1981

का०आ० 3243.—मर्वेशी न्यू स्लिवेशी मिल आफ्र अहमदाबाद लिमिटेड, बम्बई को इसी जर्द देवलान के अन्तर्गत रुपये 9,66,000/- के लिए एक आयात लाइसेंस सं. पी/सी जी/2081837 दी/सी प्रार० 77/एच/80/सी जी-१ विनांक 24-11-80 प्रदान किया गया था। उन्होंने कथित लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रति की आवश्यकता पूर्ण धनरक्षण 9,66,000/- रुपये के लिए है।

इस तर्क के समर्थन में आवेदक ने अहमदाबाद ने नोटरी के सामने विधिवत् शपथ लेकर शपथ पत्र दाखिल किया है। तदनुसार मैं सन्तुष्ट हूँ कि आयात लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति सो गई/मस्थानस्थ हो गई है। इसलिए यथा संशोधित आयात (नियंत्रण) आवेदन 1955 दिनांक 7-12-1955 के उप-अनुच्छेद 9(मी. मी) द्वारा प्रदान अधिकारों का प्रयोग करते हुए संशोधी न्यू स्लिवेशी मिल आफ्र अहमदाबाद लिमिटेड, बम्बई को जारी किए गए आयात लाइसेंस सं. पी/सी जी/2081837/दी/सी प्रार० 77/एच/80/सी जी-१, विनांक 24-11-80 की कथित मुद्रा विनियम नियंत्रण प्रति एतद्वारा रद्द की जाती है।

कथित लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि लाइसेंस-हारी को शलग में जारी की जा रही है।

[सं० 127/80/5/23/सी जी-१]

जी० एम० घेवाल, उप-मुख्य नियंत्रक,
जी० एम० घेवाल, उप-मुख्य नियंत्रक,
जी० एम० घेवाल, उप-मुख्य नियंत्रक,
जी० एम० घेवाल, उप-मुख्य नियंत्रक

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports & Exports)

New Delhi, the 31st October, 1981

S.O. 3243.—M/s. New Swadeshi Mill of Ahmedabad Ltd., Bombay were granted Import Licence No. P/CG/2081837/T/CR/77/H/80/CG.I dated 24-11-80 under Indo-Czech Trade Plan for Rs. 9,66,000. They have applied for issue of duplicate copy of the exchange control purposes copy of said licence on the ground that the original exchange control purposes copy thereof have been lost/misplaced. Duplicate exchange control purposes copy of the licence is required for the full amount of Rs. 9,66,000.

In support of this contention, the applicant has filed an affidavit duly sworn in before a Notary of Ahmedabad. I am accordingly satisfied that the original exchange control purposes copy of the import licence has been lost/misplaced. Therefore in exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order 1955 dt. 7-12-55 as amended, the said exchange control purposes copy of import licence No. P/CG/2081837/T/CR/77/H/80/CG.I dated 24-11-80 issued to M/s. New Swadeshi Mills of Ahmedabad Limited, Bombay is hereby cancelled.

A duplicate exchange control purposes copy of the said licence is being issued separately to the licensee.

[No. 127/80/5/23/CG. I]

G. S. GREWAL, Dy. Chief Controller of Imports and Exports,
for Chief Controller of Imports & Exports

(मुख्य नियंत्रक, आयात-नियंत्रण का कार्यालय)

प्रादेश

बम्बई, 4 अगस्त, 1981

विषय : मर्व श्री औपरी इन्टरेसेनल, बम्बई के नाम में जारी किए गए आयात लाइसेंस संख्या-प्रार० 0385828, दिनांक 2-2-81 को रद्द करने का आवेदन।

का०आ० 3244.—मर्व श्री औपरी इन्टरेसेनल, बम्बई को अप्रैल-81 की लाइसेंस विधिवत् के लिए उक्त लाइसेंस में दरार्दि गई भूमि के आयात के लिए 5,87,969/- रुपये लागत बीमा-भासा मूल्य का प्रतिम आयात लाइसेंस संख्या-प्रार० 0385828, दिनांक 2-2-81 प्रदान किया गया था। उन्होंने ऊपर संकेतित प्रतिम लाइसेंस की अनुलिपि प्रति और भी ही इसी के लिए इस आधार पर आवेदन किया है कि मूल लाइसेंस को गई गई है।

2. ऊपर तर्क के समर्थन में आवेदक ने राजिस्टर्ड और मेट्रोपोलिटन मजिस्ट्रेट, बम्बई के सम्मुख विधिवत् संशोधित एक स्टाम्प कागज पर शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि उपर्युक्त मूल लाइसेंस और भी ही इसी सीधे मूल्य का प्रदोजन प्रति और मूल मुद्रा विनियम नियंत्रण प्रति की अनुलिपि और भी ही इसी सीधे मूलग से जारी की जाए। मूल प्रतिम लाइसेंस (दोनों प्रतियाँ, और भी ही इसी रद्द की गई ममती जाएं।

[संख्या-प्रार० 0385828/दी/सी/73/अप्रैल-मार्च-81/५०पी०पाल०/मो दी० 1040]
जी० आर० नायर, उप-मुख्य नियंत्रक,
आयात-नियंत्रण
कृते मुख्य नियंत्रक
आयात-नियंत्रण

(Office of the Joint Chief Controller of Imports and Exports)
ORDER

Bombay, the 4th August, 1981

Subject :—Order for Cancellation of Import Licence No. P/K/0385828 dated 2-2-1981 issued in favour of M/s. Choudhary International, Bombay.

S.O. 3244.—M/s. Choudhary International Bombay were granted an Advance Import Licence No. P/K/0385828 dated 2-2-1981 for a c.i.f. value of Rs. 5,87,969 for the items shown therein, for the Licensing period A.M. 81. They have applied for duplicate copy of the above mentioned Advance Licence and DEEC on the grounds that the originals have been lost.

2. In support of this contention the applicant has filed an Affidavit on stamped paper duly attested before the Registrar and Metropolitan Magistrate, Bombay. I am satisfied that the original Licence and DEEC mentioned above have been lost and direct that duplicate licence for Custom purposes and Exchange Control purposes and as well as DEEC be issued to the applicant. The original Advance Licence (both the copies) and DEEC may be deemed to have been cancelled.

[No. UDES/73/AM. 81/E.P. Pol/OT-1040]

G. R. NAIR, Dy. Chief Controller of
Imports and Exports

For Jt. Chief Controller of Imports and Exports

(संयुक्त मुख्य विधिक, आयात एवं विधित का कार्यालय)

महामदाबाद, 4 अगस्त, 1981

विषय :—मर्वर्थी हेमल एजेंसीज बड़ोदा 10 के आयात लाइसेंस सं.

पी/सी/1871629 दिनांक 29-4-81 को रद्द करना

का० ३२४५.—मर्वर्थी हेमल एजेंसीज, ए-२/६१५ जी शाह डी सी एस्टेट, मकरपुरा, बड़ोदा 10 को सभी भूमियों और साथ में लगने वाले सामान और अतिरिक्त पुँजी के साथ आटोमेटिक बैंडिंग बनाने की वर्गीकरण :— 1. मॉडल मॉड डी वी ६०१ 2. अधिकतम रोल शाया 700 मि०मी० 3. बैंडिंग बैंड ६०० मि०मी० 4. घूनूनम ड्रा लम्बाई ६०० मि०मी० 5. अधिकतम ड्रा लम्बाई ६०० मि०मी० 6. शाद्देस प्रति मिनट $60 \div 180$ 7. पावर इनस्टाल्ट ५ के इच्छुक के आयात के लिए २,५०,००० रुपए (बी साल चपास हजार रुपए माल) का एक आयात लाइसेंस सं. पी/सी/1871629 दिनांक 29-4-81 प्रदान किया गया था।

उन्होंने उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनिमय प्रयोजन प्रति और सीमा शुल्क प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि उक्त लाइसेंस का सूल सीमा शुल्क प्रति और मुद्रा विनिमय नियंत्रण प्रति किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए जिसा और विकल्प भी उपयोग में लाए जिन्होंने खो गई है।

अपने दावे के समर्थन में उन्होंने कार्यालयी जिलाधीश, महानगरीय बोर्ड, महामदाबाद के सम्मुख विधिवत् सांख्याकृत स्टाम्प कागज पर एक गपथ पत्र दाखिल किया है।

मैं सन्तुष्ट हूँ कि लाइसेंस सं. पी/सी/1871629 दिनांक 29-4-1981 का सीमा शुल्क प्रति और मुद्रा विनिमय नियंत्रण प्रति खो गई है और निरेश देता हूँ कि आवेदक को उक्त लाइसेंस की अनुलिपि सीमा शुल्क एवं मुद्रा विनिमय प्रयोजन प्रति जारी की जाए।

लाइसेंस की सूल प्रतियां एनदब्ल्यूआर रद्द की जाती है।

[का० सं. २७०-६० य०/एम-८१/ २५०२८ / सी जी० सैल]

(Office of the Joint Chief Controller of Imports & Exports)

Ahmedabad, the 4th August, 1981

Subject :—Cancellation of import Licence No. PC/1871629 dated 29-4-1981 M/s. Hemant Agencies Baroda-10.

S.O. 3245.—M/s. Hemant Agencies, A-2/615 GIDC Estate, Makarpura, Baroda, 10 has been granted import licence No. PC/1871629 dated 29-4-1981 for Rs. 2,50,000 (Rupees Two lakhs fifty thousand only) for import of Automatic Rapid Bags Making Machine with all accessories and attachments and spares : 1. Model No. DB. 601, 2. Max. Roll Dia. 700 MM. 3. Welding Width 600 MM. 4. Min. Draw Length 600 MM. 6. Shots per Minute 60 - 180. 7. Power installed 5 KW.

They have applied for issue of duplicating Exchange purpose copy and Custom copy of the above licence on the ground that the original custom copy and exchange control copy of the said licence have been lost without having been registered with any Customs authority and utilised at all.

In support of their claim they have filed an affidavit duly sworn before Executive Magistrate, Metropolitan Area, Ahmedabad.

I am satisfied that Custom copy and exchange control copy of licence No. P/C/1871629 dated 29-4-1981 have been lost/misplaced and direct that the duplicate custom and exchange control purposes copy of the said licence be issued to the applicant.

The original copies of licence are hereby cancelled.

[F. No. 270/EU/AM.81/25028/CG. Cell]

विषय :—सर्वथी रेमन ग्लूज एड कैमिकल्स, बड़ोदा ७ के आयात लाइसेंस सं. सं. पी/सी/1939677 दिनांक 6-7-1981 को रद्द करना।

का० ३२४६.—सर्वथी रेमन ग्लूज एड कैमिकल्स, ४६ बी, गोतम नगर, रेम कोर्स सरकार, बड़ोदा-३९०००७ को विभिन्न स्पीड ब्रूश एपार्टमेंट एंड बैंड वेस लेट के साथ सम्पूर्ण स्पीड पप्प १ नग २. प्रोइक्ट एप्प वर्क और फिटिंग के सेट का एक नग ३. बीटेटर माइल जी एल शो-११ बी-जी ग्रीयर्ड बोर्टर और कलिंग साथ सम्पूर्ण हो एक नग ४. जैल सैक्षण एप्लिकेशन हैड एड वाशेश्वार एप्लेट एक नग के आयात के लिए ५,७५,१०४ रुपए (केवल पांच लाख पचास रुपयांतर हजार एक सौ चौरासवें रुपए) का आयात लाइसेंस सं. पी/सी/1939677 दिनांक 6-7-1981 प्रदान किया गया है।

उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रति/मुद्रा विनिमय प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि उक्त लाइसेंस की सूल सीमा शुल्क प्रति और मुद्रा विनिमय नियंत्रण प्रति किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए जिसा और विकल्प भी उपयोग में लाए जिन्होंने खो गई है।

अपने दावे के समर्थन में आवेदक ने कार्यकारी जिलाधीश, महानगरीय बोर्ड, महामदाबाद के सम्मुख विधिवत् सांख्याकृत स्टाम्प कागज पर एक गपथ पत्र दाखिल किया है।

मैं सन्तुष्ट हूँ कि लाइसेंस सं. पी/सी/1939677 दिनांक 6-7-1981 की सीमा शुल्क प्रति और मुद्रा विनिमय नियंत्रण प्रति खो गई है और निवेश देता हूँ कि आवेदक को उक्त लाइसेंस की अनुलिपि सीमा शुल्क एवं मुद्रा विनिमय नियंत्रण प्रयोजन प्रति जारी की जाए।

लाइसेंस की सूल प्रतियां एनदब्ल्यूआर रद्द की जाती है।

[सं. ११९/६०००/एम-८१/१३३२०/सी.जी०सैल]

Subject :—Cancellation of import licence No. P/C/1939677 dated 6-7-1981 M/s. Raymon Glues and Chemicals, Baroda-7.

S.O. 3246.—M/s. Raymon Glues and Chemicals, 46-B, Gautam Nagar, Race Course Circle, Baroda-390007, has been granted import licence No. P/C/1939677 dated 6-7-81 for Rs. 575194 (Rupees Five lakhs Seventy five thousand one hundred Ninety four only) for import of Feed pump complete with variable speed drive coupling and base plate 1 No. 2 set of product pipe work and fitting 1 No. 3, Vetrator Model GLO-91B-Complete with geared motor and coupling 1 No. 4. Gel Section Extrusion Head and washout plate 1 No.

They have applied for issue of duplicate Custom copy/Exchange purpose copy of the above licence on the ground that the original custom copy and exchange control copy of the said licence have been lost without having been registered with any Customs authority and utilised at all.

In support of their claim they have filed an affidavit duly sworn before Executive Magistrate, Metropolitan Area, Ahmedabad.

I am satisfied that Custom copy and exchange control copy of licence No. P/C/1939677 dated 6-7-1981 have been lost/misplaced and direct that the duplicate custom and exchange control purpose copy of the said licence be issued to the applicant.

The original copies of licence is hereby cancelled.

[F. No. 119/EU/AM.81/13320/CG. Cell]

ग्रहमवाबाद, 6 अगस्त, 1981

विषय : सर्वश्री हेमन्त प्लास्टिक्स, ए-१/४ गो. आई. डॉ. मी. एस्टेट, मुकरपुरा रोड, बड़ोदा १० के आयात लाइसेंस सं. पी०/सी/ १८७१६२८ दिनांक २९-४-१९८१ को रद्द करना।

S.O. 3247.—सर्वश्री हेमन्त प्लास्टिक्स, ए-१/४, गो. आई. डॉ. मी. एस्टेट, मुकरपुरा रोड बड़ोदा को सर्वी प्राप्तियाँ और साथ में लगते वाले सामान और अतिरिक्त पुर्जी आटोमेटिक रेपिंग ड्रैग बनाने की मशीन १. मॉडल सं. डीबी ६०१, ३. अधिकारम रोल डाया मीटर ७०० मि०मी०, ३. बैलिंग विड्य ६०० मि०मी०, ४. अधिकारम ड्रा मीथ ६०० मि०मी०, ५. स्थूनतम ड्रा लैथ ६०० मि०मी०, ६. शाट्स प्रति मीटर ६०÷१८० और ७. पावार हंसटार ५ के ड्रूप्यु के आयात के लिए २,३०,००० रुपए (दो लाख पचास हजार रुपए मात्र) का आयात लाइसेंस सं. पी०/सी/ १८७१६२८ दिनांक २९-४-८१ प्रदान किया है।

उम्होने उपर्युक्त लाइसेंस को अमुलिपि मुद्रा विनियम प्रयोजन प्रति और सीमा शुल्क प्रति जारी करने के लिए इस आधार पर प्रावेदन किया है कि उम्होने लाइसेंस की मूल सीमा शुल्क प्रति एवं मुद्रा विनियम नियंत्रण प्रति किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराए बिना और बिल्कुल भी उपयोग में लाए बिना ही खो गई है।

अपने दावे के समर्थन में उम्होने कार्यकारी जिलाधीश, महानगरीय बोर्ड, अहमदाबाद के सम्मुख विधिवत् साधांकित स्टाम कागज पर एक शपथ पत्र दर्शिल किया है।

मेरे सत्यष्ट हूँ कि लाइसेंस सं. पी०/सी/ १८७१६२८ दिनांक २९-४-८१ की सीमा शुल्क प्रति एवं मुद्रा विनियम नियंत्रण प्रति खो गई /अम्बानस्थ हो गई है और निवेदा देता हूँ कि प्रावेदक को उक्त लाइसेंस की अमुलिपि सीमा शुल्क एवं मुद्रा विनियम नियंत्रण प्रयोजन प्रति जारी की जाए।

लाइसेंस की मूल प्रतियाँ एसद्वारा रद्द की जाती हैं।

[सं. २८८/ई.यू.ए.एम.८१/२५२८०/सी.जी.सेल]
टी०.टी०.ला, संयुक्त मुद्रा नियंत्रक, आयात एवं नियंत्रण

Ahmedabad, the 6th August 1981

Subject :—Cancellation of import licence No. P/C/1871628 dated 29-4-1981 M/s. Hemant Plastics, A-1/4 g.i.d.c. State, Makarpura Road, Baroda-10.

S.O. 3247.—M/s. Hemant Plastics, A-1/4, G.I.D.C. Estate, Makarpura Road, Baroda has been granted import licence No. P/C/1871628 dated 29-4-81 for Rs. 2,50,000 (Two lakhs fifty thousand only) for import of Automatic Rapid Bags Making Machine with all accessories, attachments, and spares : 1. Model No. DB 601, 2. MX Roll Diameter : 700 MM. 3. Welding width 600 MM. 4. MX Draw length : 600 MM. 5. Min. Draw Length : 600 MM. 6. Shots per Minute : 60+180 and 7. Power Installed 5 KW.

They have applied for issue of duplicate Exchange purpose copy and Custom copy of the above licence on the ground that the original custom copy and exchange control copy of the said licence have been lost without having been registered with any Customs authority and utilised at all.

In support of their claim they have filed an affidavit duly sworn before Executive Magistrate, Metropolitan Area, Ahmedabad.

I am satisfied that Custom copy and exchange control copy of licence No. P/C/1871628 dated 29-4-1981 has been lost/misplaced and direct that the duplicate custom and exchange control purpose copy of the said licence be issued to the applicant.

The original copies of licence are hereby cancelled.

[F. No. 288/EU/AM-81/25280/CG Cell]

T. T. I.A. Jt. Chief Controller of Imports and Exports

उद्योग मंत्रालय

(प्रोत्तीर्णिक विकास विभाग)

आवेदन

नई दिल्ली, 7 नवम्बर, 1981

S.O. 3248.—विकास परिवद (पद्धति) नियम, 1952 के हाथ पठिन उद्योग (विकास एवं विनियम) अधिनियम 1951 (1951 का ६५) की धारा ६ द्वारा प्रदत्त विकास विभाग को प्रयोग करते हुए केन्द्रीय सरकार श्री एम. सत्यपाल, सलाहकार योजना आयोग) द्वारा प्रकार्वनिक रमायन उद्योग के लिए विकास परिवद का मकान नियुक्त करती है जो उक्त विकास परिवद के उपायक जौने और भारत सरकार उद्योग मंत्रालय (प्रोत्तीर्णिक विकास विभाग) के दिनांक 10 जनवरी, 1981 नाम्था० ९९ में संभोगन करती है, अर्थात् —

उक्त आवेदन में—

(प्र) दीर्घ २ के स्थान पर निम्ननिवित प्रतिस्थापित किया जायेगा, अर्थात्—

(१) "विकास परिवद पद्धति" (नियम 1952 के नियम २) की धारा

(ग) के अमुलरण में केन्द्रीय सरकार द्वा० के प्रबोरमूलि, सलाहकार (रसायन) रमायन और उत्तरक विभाग, नई दिल्ली को उक्त परिवद के सचिव का कार्य करने के लिए नियुक्त करती है।

पैरा १ में :

(अ) (क० सं०) और उससे संबंधित प्रविष्टियों के प्रस्ताव निम्ननिवित जोड़ा जायेगा, अर्थात्—

"(३) श्री एम. सत्यपाल, सलाहकार, योजना आयोग, योजना भवन, नई दिल्ली ---उपायक

(ii) क० सं० ४ और उससे संबंधित प्रविष्टियों को हटा दिया जायेगा, और

(iii) क० सं० २ और ३ को अम्बा० क० सं० ३ और ४ नवम्बर दिया जायेगा।

[का० मं० १०/१०/७८-सी.जी.एन.]
एम.एल.गुप्ता, अवार मंत्रिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 7th November, 1981

ORDER

S.O. 3248.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 4 of the Development Councils (Procedural) Rules 1952, the Central Government hereby appoints Shri M. Satyapal, Adviser (Planning Commission), a member of the Development Council for Inorganic-Chemical Industries to be the Vice-Chairman of the said Development Council, and makes the following amendments in the Order of the Government of India, in the Ministry of Industries (Department of Industrial Development) No. S.O. 99 dated the 10th January, 1981 namely :—

In the said order :

(a) for para 2 the following shall be substituted, namely :—

"2. In pursuance of clause (c) of rule 2 of the Development Councils (Procedural) Rules 1952, the Central Government hereby appoints Dr. K. Aghoramurthy, Adviser (Chemicals), Department of Chemicals and Fertilizers, New Delhi, to carry on the functions of the Secretary to the said Development Council."

(b) In para 1 :

- (i) after serial No. 1 and the entries relating thereto, the following shall be inserted, namely :—
- "2. Shri M. Satyapal, Adviser, Planning Commission, Yojana Bhawan, New Delhi Vice-Chairman".
- (ii) Serial No. 4 and the entries relating thereto, shall be omitted ; and
- (iii) Serial Nos. 2 and 3 shall be renumbered as serial Nos. 3 and 4 respectively.

[F. No. 8(9)/77-CDN]
M. L. GUPTA, Under Secy.

पेट्रोलियम, रसायन और उर्वरक मंत्रालय

पेट्रोलियम विभाग

नई दिल्ली, 5 नवम्बर, 1981

का० आ० 3249.—अतः केंद्रीय सरकार को यह प्रतीत होता है कि नोटिस में यह आवश्यक है कि गुजरात राज्य में एस० एन० ३१ से एस० एन० के तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल नथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी नाईंसों को बिलाने के प्रयोजन के लिये एट्टेंडेंस अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और अनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उम्मादा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्य एट्टेंडेंस घोषित किया है।

बताते ही उक्त भूमि में हितबढ़ कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिलाने के लिए आधेप सक्षम प्राधिकारी, तेल नथा प्राकृतिक गैस आयोग, निमाण और देवभाल प्रभाग, मफरपुर रोड, बड़ोदरा-१ की इस अधिसूचना की नारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आधेप करने वाला हर व्यक्ति विनिविष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उस की नुनवार्ड अविनगत हो या किसी विधि अवशार्य की माफ़त।

अनुसूची

डी० एस० नं० एम० एन० एन० से एस० एन० के राज्य : गुजरात		जिला व नाम्बुका मेलसाना		
गांव	सर्वे नं०	क्षेत्रफल	ए. आर. ई	सेटोयर
जुटाना	1399	0	0.6	84
	1368	0	0.4	20
	1369	0	0.5	40
	1372	0	0.5	00
	1373	0	0.5	00
	1397	0	0.4	80
	1376	0	0.5	00

[स० 12016/35/81 प्र०६]

MINISTRY OF PETROLEUM, CHEMICALS & FERTILIZERS

(Department of Petroleum)

New Delhi, the 5th November, 1981

S.O. 3249.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SND to SNK in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

SCHEDULE

Pipeline Route From DS No. SND to SNK

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiare
JOTANA	1399	0	06	84
	1368	0	04	20
	1369	0	05	40
	1372	0	05	00
	1373	0	05	00
	1397	0	04	80
	1376	0	05	00

[No. 12016/35/81 . Prcd.]

का० आ० 3250.—अतः केंद्रीय सरकार को यह प्रतीत होता है कि नोटिस में यह आवश्यक है कि गुजरात राज्य में एस० एन० ३१ से एस० एन० ३१० तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल नथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी नाईंसों को बिलाने के प्रयोजन के लिए एट्टेंडेंस अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और अनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपदारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आवश्य एट्टेंडेंस घोषित किया है।

बताते ही उक्त भूमि में हितबढ़ कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिलाने के लिए आधेप सक्षम प्राधिकारी, तेल नथा प्राकृतिक गैस आयोग, निमाण और देवभाल प्रभाग, माफरपुर रोड, बड़ोदरा-१ की इस अधिसूचना की नारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आधेप करने वाला हर व्यक्ति विनिविष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उस की नुनवार्ड अविनगत हो या किसी विधि अवशार्य की माफ़त।

મનુસૂચી

દીં એમ૦ ન૦ એમ૦ એટ૦ કે૦ મે એમ૦ એટ૦ એન૦
રાજ્ય ગુજરાત જિલા વ તાલુકા મહેસાના

ગાંચ	સર્વ નં.	લેન્ડયર	એ પ્રાર માર્ફ	સેટીયર
કાસલપુરા	645/2	0	06	96
	645/1	0	06	00

[સ્થ 12016/36/81-પ્રો-I]

S.O. 3250.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNK to SNN in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

SCHEDELE

Pipeline Rou From D.S. No. SNK to SNN

State : Gujarat

District & Taluka : Mehsana

Village	Survey No.	Hectare	Arc	Cen-	tiare
KASALPURA	645/2	0	06	96	
	645/1	0	06	00	

[સ્થ 12016/36/81-પ્રો-I]

સ્થ 3251.—યાં કેન્દ્રીય સરકાર કો યહ પ્રતીત હોતા હૈ કે કોકાસ મેં યહ આવાયક હૈ કે ગુજરાત રાજ્ય મેં એમ૦ એમ૦ એ૦ સી૦ સે જી૦ જી૦ એમ૦ કમ સી૦ ટી૦ એક૦ વર્ષાન સંશોલ પેટ્રોલિયમ કે પરિવહન કે લિયે પાછપલાઇન નેલ નથી પ્રાકૃતિક ગૈસ આવોગ દ્વારા બિલાઈ જાની જાઓ.

ઔર યાં મહું પ્રતીત હોતા હૈ કે એસી લાઇનો કો બિલાતે કે પ્રયોગન કે લિયે એન્ડ્રાઇન મનુસૂચી મેં બર્જિન ભૂમિ મેં ઉપયોગ કા અધિકાર અર્જિત કરના આવાયક હૈ।

અત પ્રબ પેટ્રોલિયમ ઔર ખનિ પાછપલાઇન (ભૂમિ મેં ઉપયોગ કે અધિકાર કા અર્જિન) અધિનિયમ, 1962 (1962 કા 50) કી ધારા 3 કી ઉપધારા (1) દ્વારા પ્રદત્ત શરીયતો કા પ્રયોગ કરતે હુએ કેન્દ્રીય સરકાર ને ઉસમે ઉપયોગ કા અધિકાર અર્જિન કરને કા આપા આશય એન્ડ્રાઇન ઓપરિન કિયા હૈ।

બાંતે કી ઉકા ભૂમિ મેં હિન્દુબદ્ધ કોઈ અધિકિત, ઉકા ભૂમિ કે નીચે પાછ લાઇન બિલાતે કે લિએ આખોપ સથામ અધિકારી, તેન નથી પ્રાકૃતિક ગૈસ આવોગ, નિર્મણ ઔર દેખભાળ પ્રમાણ, સકરસુગ ગોડ, વહોવરા-૧ કો ઇમ અધિસૂચના કી તારીખ સે 21 દિનો કે ભોસર કર સકેના।

ઔર એવા આખોપ કરને વાળા હર અધિકિત ચિનિવિષ્ટ યહ ભી કયાન કરશે કી કયા વહ યાં કાહુતા હૈ કે ઉમકી સુનાવાઈ અધિનિયમ હો યા કિસી વિધિ વ્યવસાયી કી માર્કેની।

મનુસૂચી

દીં એમ૦ ન૦ એમ૦ એન૦ એન૦ મી૦ મ૦ જી જી૦ એમ૦ કમ સી૦ દી૦ એક૦ વર્ષાન સથાન

રાજ્ય : ગુજરાત જિલા : તાલુકા : - મહેસાના

ગાંચ	સર્વ નં.	લેન્ડયર	એ પ્રાર માર્ફ	સેટીયર
કમલ પુરા	484	0	04	56
	489	0	04	16
	490/2	0	01	00
	490/1	0	04	08
	491	0	03	72
કાર્ટટ્રેક		0	03	84
	526	0	03	72
કાર્ટટ્રેક		0	02	40
	527	0	14	00
	528/1	0	02	40
	538/2	0	12	96
	538/1	0	03	84
	542	0	10	82
	543	0	08	00
	556	0	02	40

[સ્થ 12016/36/81-પ્રો-II]

S.O. 3251.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNAC to GGS Cum CTF to South Santhal in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

SCHEDULE

Pipeline ROU From D.S. No. SNAC to GGS cum CIF
South Santhal

State : Gujarat

Village	Survey No.	Hectare	Are	Cen-tiare
KASALPURA	484	0	04	56
	489	0	04	16
	490/2	0	01	00
	490/1	0	04	08
	491	0	03	72
	Cart track	0	03	84
	526	0	03	72
	Cart track	0	02	40
	527	0	14	00
	528/1	0	02	40
	538/2	0	12	96
	538/1	0	03	84
	542	0	10	82
	543	0	08	00
	556	0	02	40

[No. 12016/36/81 Prod. II]

का० आ० 3252—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एस० एन० झी० से एस० एन० एस० से जी० जी० एम० तक संचाल-1 पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल सथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईंसों को बिछाने के प्रयोजन के लिये एतद्पावद भन्सूची में बरिण भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

यतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपचारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार से उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनद्वारा घोषित किया है।

वगते कि उक्त भूमि में हितवद्द कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल सथा प्राकृतिक गैस आयोग, निर्माण और देवभाल प्रभाग, मकरपुर, रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट, यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि अवधारी की भाँति।

अधिसूची

कुवा नं० एस० एन० झी० से एस० एन० एस० से जी० जी० एस संचाल-1
राज्य- गुजरात निया और तालुका - मेहसाणा

गांव	मर्वे नं०	हेक्टेयर	ए. आर ई	मेन्टीमार
KASALPURA	549	0	02	40
	348	0	07	92
	552	0	06	00
	576/1	0	03	60
	558/2	0	03	60
	558/1	0	05	52
	569	0	11	16
	560/2	0	02	30
	574/1	0	12	50
	573	0	07	60
	570	0	07	92

[सं० 12016/37/81-प्र० I]

S.O. 3252.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNV to KNM to GHS Santhal-I in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by subsection (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline ROU From Well No. SNV to SNM to GGS
Santhal-I

State : Gujarat

Village	Survey No.	Hectare	Are	Cen-tiare
KASALPURA	549	0	02	40
	548	0	07	92
	552	0	06	00
	576/1	0	03	60
	558/2	0	03	60
	558/1	0	05	52
	569	0	11	16
	560/2	0	02	30
	574/1	0	12	50
	573	0	07	60
	570	0	07	92

[No. 12016/37/81-Prod. II]

का० आ० 3253.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एस० एन० झी० से एस० एन० एस० से जी० जी० एम० तक संचाल-1 पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल सथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईंसों को बिछाने के प्रयोजन के लिये एतद्पावद भन्सूची में बरिण भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपचारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वगते कि उक्त भूमि में हितवद्द कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल सथा प्राकृतिक गैस आयोग, निर्माण और देवभाल प्रभाग, मकरपुर, रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट, यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि अवधारी की भाँति।

प्रत्यक्षी

एस० एन० श्री० से एस० एन० ०८० मे जी० जी० ग्राम संघाल- १
राज्य- गुजरात गिला और नालुका - मेहसाणा

गांव	सर्वे नं०	हेक्टेयर	ए. आर. ह॑	सेटीयर
SANTHAL	635	0	01	20
	631	0	13	56
	628	0	14	40
	627	0	06	96

[स० 12016/37/81-प्र० II]

S.O. 3253.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SNV to SNM to GHS Santhal-I in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner:

SCHEDULE

Pipeline From D.S. SNV to SNM to GGS Santhal-I
State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiaire
SANTHAL	635	0	01	20
	631	0	13	56
	628	0	14	40
	627	0	06	96

[No. 12016/37/81-Prod. II]

का० प्रा० 3254.— यह केन्द्रीय सरकार की यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सी० टी० एफ० से कोम्बा जी० जी० एस० तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए;

और यह यह प्रतीत होता है कि ऐसी साईंसों को बिछाने के प्रयोजन के लिए एटद्यावद अनुसूची में वर्णित भूमि में उपयोग का अधिकार प्रदित्त करना आवश्यक है।

प्रतः यद्य पेट्रोलियम और अन्य गैस आयोग (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा ३ की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार प्रदित्त करने का अपना आवाय एटद्यावद द्वारा दीर्घित किया है।

वर्तमें कि उक्त भूमि में द्वितीय कोई व्यक्ति, उम भूमि के नीचे पाइप लाइन बिछाने के लिए आवश्यक समझ प्राप्तिकारी, तेल तथा प्राकृतिक

गैस आयोग, मिसन और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना सी तरीख मे 21 दिनों मे भोतर कर मिलेगा।

और ऐसा आवश्यक बने वर्ता तर व्यक्ति विनिविष्ट यह भी कथन करेग, कि क्या वह यह वालना है कि उसकी मुनाफाई व्यापित हो या किसी विधि व्यवसायी की माफिन।

प्रत्यक्षी

सी० टी० एफ० मे कोम्बा जी० जी० एस०

राज्य गुजरात गिला भूमि नालुका अकलेश्वर

गांव	सर्वे नं०	हेक्टेयर	ए. आर. ह॑	सेटीयर
पिंडोदरा	284	0	18	20
	273	0	05	85

[स० 12016/38/81-प्र० I]

S.O. 3254.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from CTF to Kosamba Ghs in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

SCHEDULE

Pipeline From C.T.F. to Kosamba GGS.

State : Gujarat Distric. : Bharuch Taluka : Ankleshwar

Village	Survey No.	Hectare	Are	Centiaire
PILODRA	284	0	18	20
	273	0	05	85

[No. 12016/38/81-Prod. I]

का० प्रा० 3255.— यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कूप नं० 105 से जी० जी० एस० 2 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी साईंसों को बिछाने के प्रयोजन के लिए एटद्यावद अनुसूची में वर्णित भूमि में उपयोग का अधिकार प्रदित्त करना आवश्यक है।

अत यद्य पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा ३ की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार प्रदित्त करने का अपना आवाय एटद्यावद दीर्घित किया है।

ब्रह्मने कि उक्त भूमि में हिन्दूद कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप संक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-९ को इस प्रधिसूचना की तारीख से २१ दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्विष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मूलवार्ष व्यवितरण हो या किसी विधि व्यवसायी की मार्फत।

प्रमुखसूची

कृपा नं० 105 से जी० जी० पृष्ठ०—१

राज्य: गुजरात		ग्रिला	भरुच	तालुका : अंकलेश्वर	
गांश	सर्वे नं०	हेक्टेयर	ए	भार ई	सेक्टीयर
सरथान	221	0	19	50	

[सं० 12016/38/81-प्र० II]

S.O. 3255.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from 105 to GGS-1 in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from Well No. 105 to GGS-1.

State : Gujarat	District : Bharuch	Taluka : Ankleshwar		
Village	Survey No.	Hectare	Are	Centiare
SARTHAN	221	0	19	50

[No. 12016/38/81-Prod. II]

का० शा० 3256.—यतः केंद्रीय मरकार को यह प्रतीत होता है कि सोकहित में यह भावस्थक है कि गुजरात राज्य में क० एल० एफ० से जी० जी० पृष्ठ० VI तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी लाईंगों को बिछाने के प्रयोजन के लिए एडवाक्यु प्रन्सूची में वर्णित भूमि में उपयोग का प्रधिकार प्रजित करना आवश्यक है।

असः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के प्रधिकार द्वा अर्जन) प्रधिनियम, 1962 (1962 का 50) की द्वारा 3 की उआधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का प्रधिकार प्रजित करने का प्रपत्ता आशय एनद्वारा घोषित किया है।

ब्रह्मने कि उक्त भूमि में हिन्दूद कार्ब व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप संक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-९ को इस प्रधिसूचना की तारीख से २१ दिनों के भीतर कर गकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्विष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मूलवार्ष व्यवितरण हो या किसी विधि व्यवसायी की मार्फत।

प्रमुखसूची

क० एल० एफ० से जी० जी० पृष्ठ० VI

राज्य : गुजरात

जिला: मेहसाना तालुका : कड़ी

गांश	सर्वे नं०	हेक्टेयर	ए	भार ई	सेक्टीयर
चाडासन	232	0	05	25	
	235	0	11	25	
	236	0	01	20	
	204	0	47	25	
	306	0	05	50	
	310	0	12	60	
	309	0	06	90	
	312	0	08	55	
	313	0	09	00	
	359/1	0	03	50	

[सं० 12016/39/81-श०]

टी० एन० परमेश्वरन, प्रबर सचिव

S.O. 3256.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from KLF to GGS VI in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from KLF to GGS VI

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Are	Centiare
CHADASAN	232	0	05	25
	235	0	11	25
	236	0	01	20
	204	0	47	25
	306	0	05	50
	310	0	12	60
	309	0	06	90
	312	0	08	55
	313	0	09	00
	359/1	0	03	50

[No. 12016/39/81-Prod.]

T.N. PARAMESWARAN, Under Secy.

(रक्षण और अवैरक विभाग)

नई दिल्ली, 19 अक्टूबर, 1981

का०आ० 3257.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिकारियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को जो सरकार के राजपत्रित अधिकारी की श्रेणी के समतुल्य श्रेणी का है उक्त अधिनियम के प्रयोजनों के संपदा अधिकारी की नियुक्त करती है और उक्त अधिकारी उक्त सारणी के स्तम्भ 2 में विनिर्दिष्ट की स्थानीय सीमाओं के भीतर उक्त अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम के द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिकारिता कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पद	सरकारी स्थानों का प्रबंग और अधिकारिता की स्थानीय सीमाएं
1	2
भारतीय अधिकारी, इंडियन ड्रग्स एंड फार्मसीटिकल्स लिमिटेड, मद्रास।	इंडियन ड्रग्स एंड फार्मसीटिकल्स लिमिटेड, मद्रास के प्रशासनिक नियन्त्रणात्मक स्थान।

[एल-38022(17)/78-डी.वी.]

वी० राजगोपालन, अवर सचिव

(Department of Chemicals & Fertilizers)

New Delhi, 19th October, 1981

S.O.3257.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being equivalent to the rank of a gazetted officer of Government, to be estate officer for the purpose of the said Act, and the said officer shall exercise the powers conferred, and perform the duties imposed, on estate officer by or under the said Act within the local limits of the jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of Officer	Categories of public premises and local limits of jurisdiction.
Officer Incharge, Indian Drugs and Pharmaceuticals Limited, Madras.	Premises under the administrative control of the Indian Drugs and Pharmaceuticals Limited, Madras.

[No. L-38022(17)/78-DV]

V. RAJAGOPALAN, Under Secy.

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 12 नवम्बर, 1981

का०आ० 3258.—केन्द्रीय सरकार, कोयला खान और कल्याण निधि अधिनियम 1947 (1947 का 32) की धारा 3 की उपधारा (1) के परत्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत स्थित कोयला खानों से भेजे गए किसी भी वर्णन के लिनाइट पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से ही उक्त धारा में विनिर्दिष्ट उत्पादशुल्क के उद्ग्रहण से वर्ष 1981-82 और 1982-83 के लिए छूट देती है।

[[सं० एस०-21014/1/81-सी एम डब्ल्यू]]

जी० एस० सुब्रह्मण्यन, अवर सचिव

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 12th November, 1981

S.O. 3258.—In exercise of the powers conferred by the proviso to sub-section (1) of section 3 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), the Central Government hereby exempts with effect on and from the date of publication of this notification in the Official Gazette for the years 1981-82 and 1982-83 lignite of whatever description, despatched from the collieries in India, from the levy of the duty of excise referred to in the said sub-section.

[No. S-21014/1/81-CMW]

G. S. SUBRAMANIAN, Under Secy.

संस्कृति विभाग

भारतीय पुरातत्व सर्वेक्षण

नई दिल्ली, 5 नवम्बर, 1981

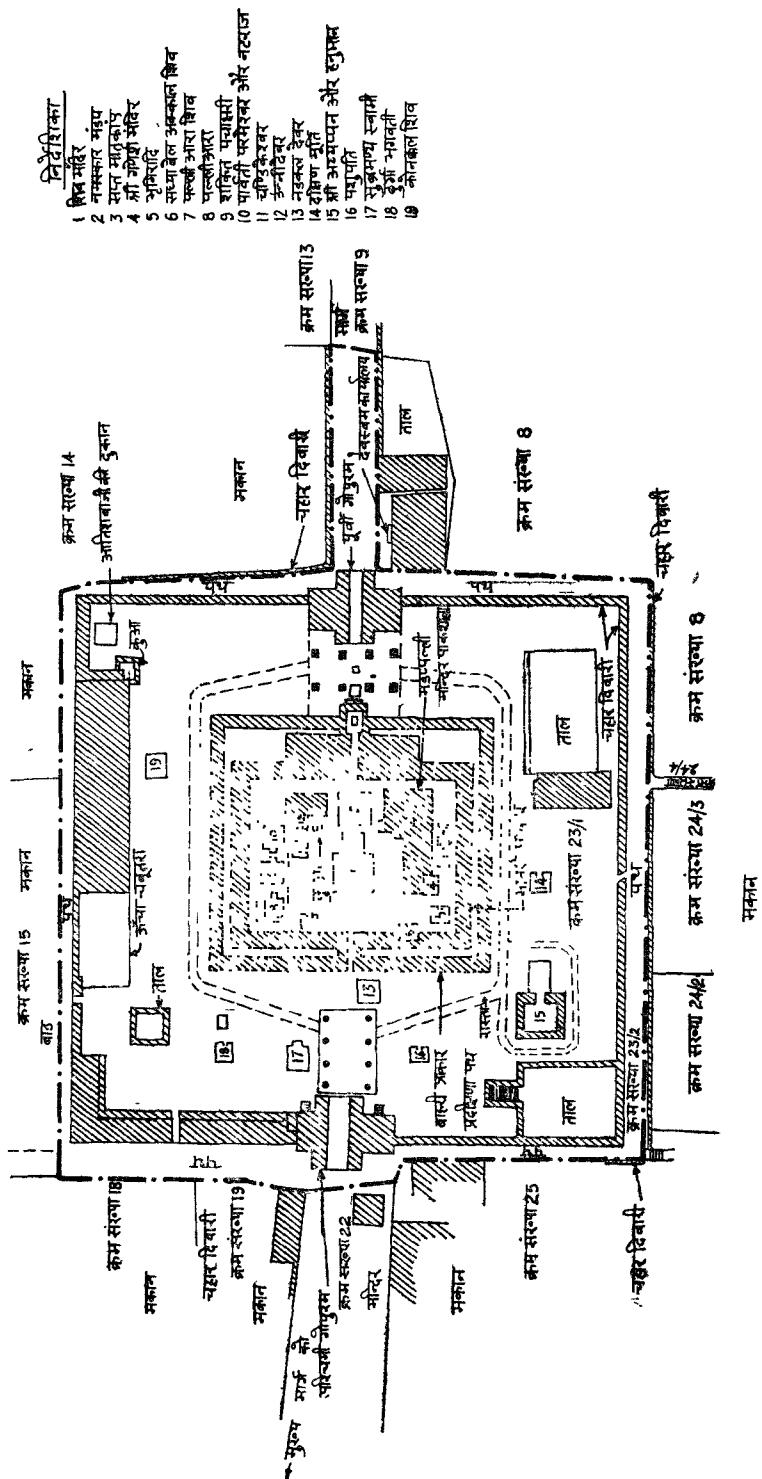
का०आ० 3259.—केन्द्रीय सरकार की यह राय है कि इस अधिसूचना के साथ उपबद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है, अतः, केन्द्रीय सरकार प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवधीन अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना देती है। इस अधिसूचना के राजपत्र में प्रकाशित किए जाने की तारीख से ही उक्त प्राचीन संस्मारक में हितबढ़ किसी भी व्यक्ति के भीतर उक्त प्राचीन संस्मारक पर केन्द्रीय सरकार विचार करेगी।

अनुसूची

राज्य	जिला	तहसील	अवस्थान	संस्मारक का नाम	सरक्षण के अधीन समिलित किए जाने वाले राजस्व प्लाट	सर्वेक्षण प्लाट	सर्वेक्षण सं०	उत्तर:	सर्वेक्षण प्लाटों के
1	2	3	4	5	6	7	8	9	10
केरल	किंग्सपोर	कोदंगलपुर	तिरंवंचिवुलम	पितृ भविर कामप्ट	सर्वेक्षण प्लाट सं० 1,03,19	उत्तर:	सर्वेक्षण प्लाटों के	1. मंदिर कोचीन	देवास्वम् बोड
				लेक्स के साथ सर्वेक्षण का भाग प्लाट सं० 23/1	और सर्वेक्षण हैक्टर	प्लाट सं० 15			के प्रबन्ध मंडल
				23/1 और सर्वेक्षण का भाग जैसा कि	प्लाट सं० 23/2	और सर्वेक्षण			के अधीन है।
				के भाग में समाविष्ट पुनः प्रस्तुत स्थल रेखांक में	नीचे पुनः प्रस्तुत	प्लाट सं० 14			2. शिव मंदिर की दीवालों पर
				पार्श्वस्थ वर्षा धरणी गया है।	दर्शाया गया है।	का भाग।			के भित्ति चिन्ह पहले से ही संरक्षित है।
						पूर्व: सर्वेक्षण प्लाट सं० 9			
						और सर्वेक्षण प्लाट सं० 8,			
						14 और 23/2			
						के भाग।			
						दक्षिण: सर्वेक्षण प्लाट सं० 24/2			
						24/3, 24/4			
						और सर्वेक्षण			

प्लाट सं० 8
और 25 के भाग
पश्चिम · सर्वेक्षण
प्लाट सं० 18
19, 22 और
सर्वेक्षण प्लाट
सं० 25 का
भाग

शिव मनिदर समूह तिरुवंधीकुलम का स्थल मानवित
गांव मैथिल (झसरा) रवपुड, तालुकः कोडगलु
जिला: निधि शहर: कर्णत



मुरदेण की प्रस्तावित सीमा प ---

DEPARTMENT OF CULTURE**Archaeological Survey of India**

New Delhi, the 5th November, 1981

S.O. 3259.—Whereas the Central Government is of opinion that the ancient monuments specified in the Schedule annexed hereto is of national importance;

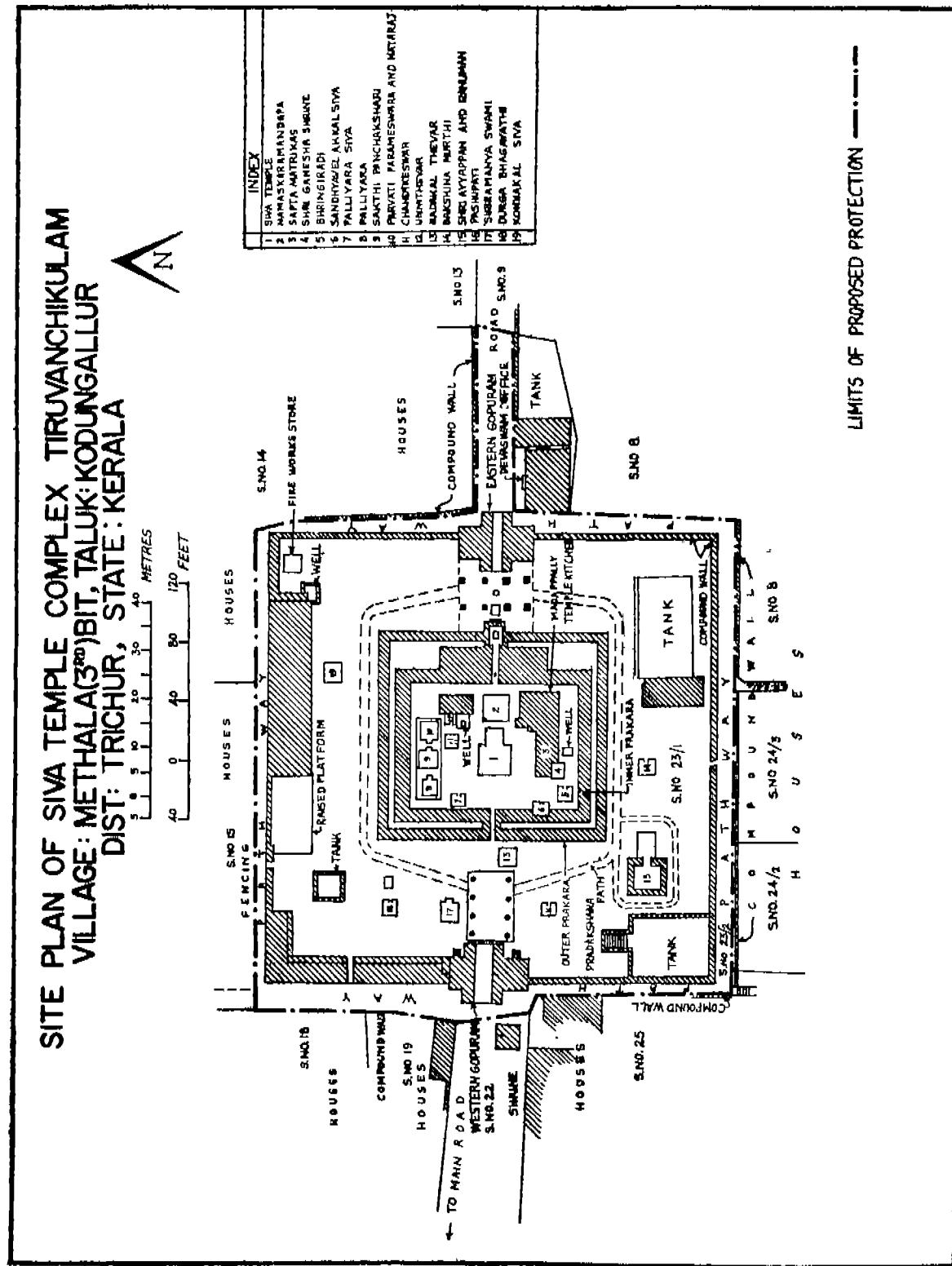
Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and

Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives two months notice of its intention to declare the said Ancient monument to be of national importance.

Any objection which may be received within a period of two months after the issue of this notification, from any person interested in the said ancient monument, will be considered by the Central Government.

SCHEDULE

State	District	Tehsil	Locality	Name of monument	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Kerala	Trichur	Kodungallur	Tiruvanchikulam	Siva Temple complex together with adjacent area comprised in survey plot No. 23/1 and a portion of survey plot No. 23/2 as shown in the site plan 23/1 and a portion of survey plot No. 23/2 as shown in the site plan reproduced below	Survey plot No. 23/1 and a portion of survey plot No. 23/2 as shown in the site plan reproduced below	1.03.19 Hectares	North :—Survey plot No. 15 and a portion of survey plot No. 14 East :—Survey plot No. 9 and portions of survey plot Nos. 8, 14 and 23/2 South :—Survey plot Nos. 24/2, 24/3, 24/4 and portions of survey plot Nos. 8 and 25. West :—Survey plot Nos. 18, 19, 22 and a portion of survey plot No. 25	Survey plot No. 15 and a portion of survey plot No. 14	1. Temple is under the management of Cochin Devaswam Board. 2. Mural paintings on the walls of Siva Temple are already protected



नई दिल्ली, 7 नवम्बर, 1981

(पुरातत्त्वोय)

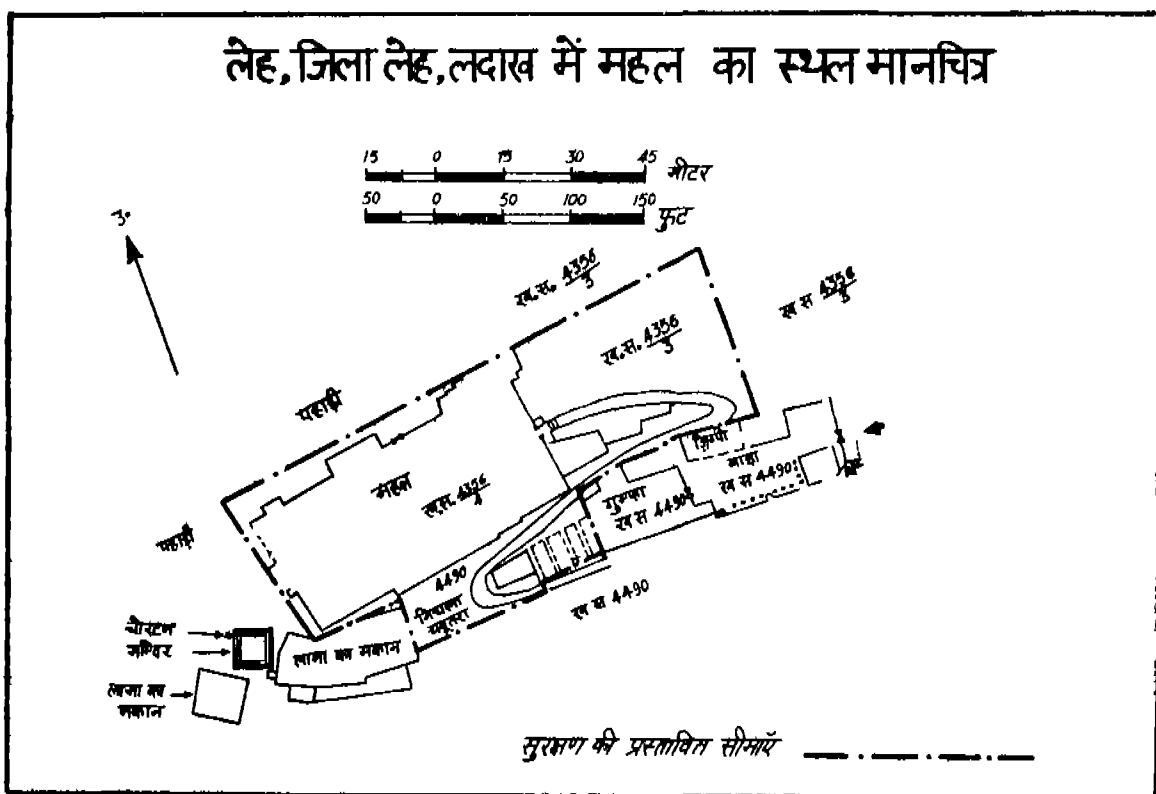
का० आ० 3260 — केन्द्रीय नरसार की यह गय है कि हमसे उत्तरांश अन्धमध्य में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व के हैं।

अत अब केन्द्रीय सरकार प्राचीन सम्मारक तथा प्रगतिस्थीत व्यव और प्रश्नों प्रधिनियम, 1958 (1958 का 24) की ओरांगा 4 की उपलब्धा (1) हासा प्रदान प्रक्रियों को प्रयोग करते हुए, उक्त इन्स्टीटीटून सम्मारक का गा-वैक महसूव का घोषित करने के अपने आशा की दो भास की सूचना देती है।

उक्त प्राचीन सम्मारक से हितबद्ध कियी अवधि से इस अधिसूचना के जारी किए जाने के पश्चात् दो मास के भीतर की गई किसी श्रापणि पर केवल विकार विद्युत बनेगी।

अनुसूची

लैह,जिला लैह,लदाख में महत्व का स्थल मानचित्र



[फा० स० 2/34/77-स्मा०]

३० (श्रीमती) देवसा मित्र, महानिदेशक
और पद्म संबल सचिव

New Delhi, the 7th November, 1981

(ARCHAEOLOGY)

S.O. 3260.—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance :

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and

Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives two months notice of its intention to declare the said ancient monument to be of national importance.

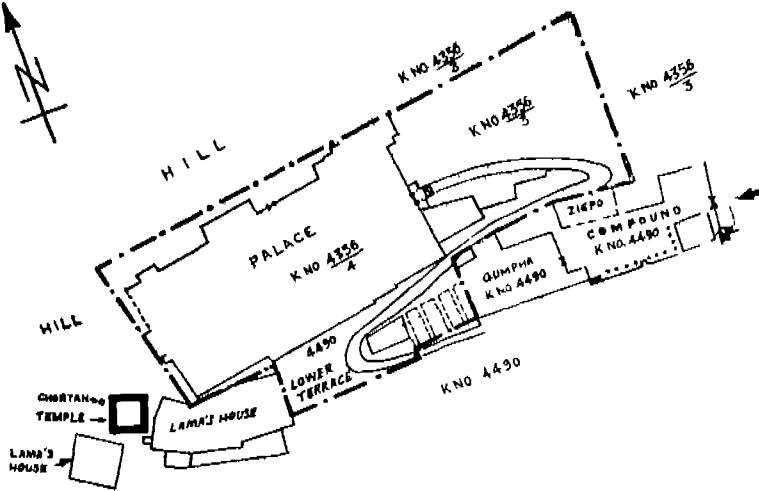
Any objection which may be received within two months after the issue of this notification from any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

State	District	Tehsil	Locality	Name of monument	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Jammu and Kashmir	Leh	Leh	Leh	Ancient Palace at Leh along with adjoining area comprised in Survey plot No. 4356/4 and part of survey plot Nos. 4356/4 and 4490 as shown in the site plan reproduced below.	Survey plot No. 4356/4 and parts of survey plot Nos. 4356/3 and 4490 as shown in the site plan reproduced below.	0.686 Hectares	North :—A portion of survey plot No. 4356/3 East :—A portion of survey plot No. 4356/3 South :—A portion of survey plot No. 4490. West :—Unsurveyed area of the hill.	Shrimati Parvati Devi	Besides the shrine located within the palace one room is also under occupation of the resident monk.

SITE PLAN OF PALACE AT LEH, DISTT: LEH, LADAKH

15 0 15 30 45 METRES
50 0 50 100 150 FEET



LIMITS OF PROPOSED PROTECTION

[No. 2/34/77-M]

D. MITRA, Director General
and Ex-Officio Joint Secretary

MINISTRY OF LABOUR

New Delhi, the 9th November, 1981

S.O. 3261.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Amlabad Colliery of M/s. Bharat Coking Coal Limited, Post Office Amlabad, District Dhanbad and their workmen, which was received by the Central Government on the 4th November, 1981.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 32/80

PARTIES :

Employers in relation to the management of Amlabad Colliery of M/s. Bharat Coking Coal Ltd. P.O. Amlabad, Dist. Dhanbad.

AND

Their workman

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workman—Shri D. Mukherjee, Secretary, B. C. K. Union.

INDUSTRY : Coal.

STATE : Bihar

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have forwarded the dispute to this Tribunal for adjudication under their Order No. L-20012/154/79-D.III(A) dated the 28th April, 1980.

SCHEDULE

"Whether the demand of the workmen of Amlabad Colliery of M/s. Bharat Coking Coal Limited, P.O. Amlabad, Dist. Dhanbad that Shri Gopal Rajwar should be taken back in employment and be paid back wages from the 1st October, 1976 is justified? If so to what relief is the said workman entitled?"

2. The concerned workman Sri Gopal Rajwar claims to have been appointed on 17-10-1968 as Compressor Khalasi against permanent vacancy. According to him the job of Compressor Khalasi is permanent and prerial nature of job and he has been working continuously with unblemished record of service. It is alleged that he is an active member of Bihar Colliery Kamgar Union against which the management of the colliery is very much biased and with malafide intention to victimise the concerned workman the management stopped him from service with effect from 1-10-76. It is stated on his behalf that before the take over of the colliery he had rendered continuous service for more than 240 days in a year and had already acquired permanent status. But the management terminated his services without any charge-sheet, enquiry or without assigning any reason and this action of the management is illegal, arbitrary and against the provisions of the Standing Order of the company.

3. The workman through the union approached the management several times for reinstatement with full back wages, but without any effect and finally the present dispute was raised by the union before the A.L.C.C. Dhanbad which ended in failure and thereafter the present reference was made.

4. According to the management, however, the concerned workman was appointed with effect from 6-11-1971 as a casual substitute/badli workman to work on temporary jobs in temporary vacancies caused due to leave, sick or absence of permanent workmen. It is stated that there are large number of time-rated jobs of skilled and unskilled nature in the colliery and the temporary and casual vacancies are filled

up by casual and temporary workmen from time to time depending upon availability of jobs and that no casual/temporary or badli workman can claim employment as a matter of right. It is further stated that the management in consultation with major trade unions operating in the industry framed certain norms to make the temporary and casual workman permanent and accordingly a surface casual worker is required to put in 240 days attendance in a calendar year to entitle him to be made permanent and accordingly they have been made permanent. The concerned workman could not put in the requisite number of attendance in a calendar year to qualify himself to be made permanent and therefore he continued as casual/temporary/badli substitute throughout. It is submitted that he could not be provided with any time-rated casual job since 1-10-76 and he declined to accept the job of wagon loading which was offered to him. It is submitted that the demand of the workman is without any basis and is liable to be rejected.

5. The point for consideration is as to whether the demand of the workman concerned that he should be taken back in employment and be paid back wages from 1-10-76 is justified. If so, to what relief he is entitled.

6. The main defence of the management is that as the workman had not completed the attendance of 240 days in a year hence he was not made permanent and that he was stopped work from 1-10-76. The reference would show that it is not a case of making the concerned workman permanent but it is a case as to whether he should be taken back in employment or not. Admittedly he is not in employment from 1-10-76.

7. The management has filed certain entries of 'E' registers Ext. M-2 & Ext. M-7, Form 'B' register Ext. M-1 and bonus register for the years 1973 to 1975 Exts. M-8 to M-10 which all indicate that the concerned workman was a casual or badli workman. The question however remains as to whether he should be taken back in the employment even as a badli or casual worker or not. Ext. W-1 is the appointment letter of the workman showing that he was appointed on 17-10-1968 as Compressor Khalasi temporarily as and when required. Ext. W-2 is the certificate of the Colliery Engineer, Oriental Coal Co. Ltd., dated 23-12-71 showing that the concerned workman was working as Compressor Operator since about four years. From the evidence of the management's witnesses themselves it will appear that the removal of the concerned workman is unjustified. The question whether he should be made permanent or not is immaterial for the purpose of this reference. MW-1 Monwari Lohar working as Head Fitter in Amlabad Colliery. He also does checking work on winding engine compressor and other machines. According to him compressor was being used for the purpose of pneumatic drills for stone cutting and winding engine brakes. According to the workman WW-1 compressor machine prepares air by which brake of winding engine is opened and the cage goes up and down and through this cage workers and materials are sent down in the mine. This work is carried in all the three shifts and the colliery is run in three shifts. It runs on Sundays and holidays also in three shifts. According to him there are three permanent Compressor Khalasis in the colliery and this workman worked only if any one of the permanent Khalasi went on leave or was absent. It is also not denied that coal cannot be produced if compressor do not work. The above facts are not denied on behalf of the management. MW-1 has admitted in para 8 of his cross-examination that in 1968-69 Gopal Rajwar the concerned workman was the only Compressor Khalasi. In para 9 he has admitted that this concerned workman was stopped work in 1976 even though there was work for him in the mine. He also admits that one Girdhari Mahato was a permanent Compressor Khalasi who retired in 1980 and one Chini Basi Rajwar was engaged in his place and after the absorption of Chini Basi Rajwar the concerned workman was stopped work. MW-2, Sri M. P. Singh is however a formal witness.

8 It will appear from the documents on record that the concerned workman was working as a Compressor Khalasi from the year 1968. Though he might be working as badli worker to substitute the permanent compressor Khalasi who went on leave, but still he was in employment since 1968. In that view of the matter his case should have been considered by the management while putting one Chini Basi Rajwar as a compressor khalasi. The workman has stated in his evidence that Chini Basi was appointed after he was stopped work and when Girdhari Mahato was retired Chini Basi was

made permanent. There is nothing on the record to show that the concerned workman was incompetent in any way or that he had not good record of service. In that view of the matter it was not at all justified for the management to terminate the services of the concerned workman and appoint a new hand in his place and make permanent. The concerned workman was working since the year 1968 as stated earlier and after such a long years of service there was absolutely no ground for the management to throw him out of employment. Even according to the management he was appointed as a casual substitute badli workman on 6-11-71. In that view of the matter also he worked till October '76 and after such a long years of service he should not have been removed. Rather his case ought to have been considered for making him permanent when the permanent Compressor Khalasi retired even though he might not have completed 240 days attendance in a year. It is very easy for the management to allot work in such a way that an employee cannot complete 240 days in a year. In the interest of justice and under the general provisions of law an old employee should have been given preference instead of a new one and the old employee should not be removed.

9. It was however urged on behalf of the management that Chini Basi Rajwar was working in some other department where he met with an accident and therefore he was given a lighter job of compressor Khalasi. Chini Basi might have been given some other alternative employment of lighter job but he should not have been abscribed as Compressor Khalasi ignoring the claim of the concerned workman. Even according to the management's witness MW-1 as stated earlier the concerned workman was stopped work even though there was work for him in the mine.

10. Considering all the above evidence, I hold that the action of the management in stopping work to the concerned workman from 1-10-1976 is unjustified and that he should be taken back in employment even as a badli or substitute Compressor Khalasi. The management, in the circumstances is directed to take back the concerned workman in employment as the demand made by the concerned workman is fully justified. The next question is as to what other relief the workman should get. As the workman concerned was not a permanent workman, hence he should be paid wages from 1-10-76 upto the date of taking him in employment. This amount should be calculated on the basis of the average wages which he got for three years just prior to October '76. To make the point more specific three years pay prior to October 1976 should be added and the average which comes for one month should be the one one month wages of the concerned workman which should be paid to him from 1-10-76 till the date of his joining.

11. To sum up I hold that the demand of the concerned workman that he should be taken back in employment from 1-10-76 is justified and he is entitled to be paid the back wages as per direction mentioned above.

12. I give my award accordingly.

Dated, the 30th October, 1981.

I. N. SINGH, Presiding Officer
[No. L-20012|154|79-D.III.A.]

S.O. 3262.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Noonodih-Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad and their workmen, which was received by the Central Government on the 2nd November, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

Reference No. 36 of 1980

In the matter of an industrial dispute under S.10(1)(a) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Noonodih-Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post office Bhaga, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—None.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, the 26th October, 1981

AWARD

This is a reference under S.10 of the I.D. Act, 1947, The Central Government by its order No. L-20012(128)/80-III(A) dated 28th October, 1980 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the demand of the workmen of Noonodih-Jitpur colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad for payment of Category-I wages as plus Re. 1 per day to Sarvashri Ram Prasad Kumar, Shivji Choudhury and Kapildeo Yadav is justified? If so, to what relief are the said workmen entitled?"

2. In this case the management appeared on notice and filed their written statement. But inspite of several adjournments given no written statement was filed on behalf of the workmen. On 28-2-81 Shri Sankar Bose representing the Rastriya Colliery Mazdoor Sangh had appeared and prayed for time to file written statement. Again on 22-6-81 Shri Bose asked for further time to file written statement. But subsequently 3 dates were given and Shri Bose never appeared to file written statement. Ultimately it was ordered that the case would be taken up ex parte if on 13-10-81 no written statement was filed by the workmen. It so happened that even on 13-10-81 no written statement was filed by the workmen. Shri T. P. Choudhury appearing for the management prays for ex parte disposal of this case and accordingly the case was heard ex parte. No evidence was adduced on behalf of the management.

3. Shri T. P. Choudhury has urged that the demand of the workmen was for payment of Category V wages plus Re. 1 per day. Obviously it was for the workman to give justification for such a demand and this has not been done and so this reference has to be answered in the negative.

4. I accordingly hold that the demand of the workmen of Noonodih-Jitpur colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad for payment of Category-V wages plus Re. 1 per day to Sarvashri Ram Prasad Kumar, Shivji Choudhury and Kapildeo Yadav is not justified. Consequently, the workmen are entitled to no relief.

This is my award.

Dated 26th October, 1981.

J. P. SINGH, Presiding Officer
[No. L-20012(128)|80-D.III.A.]

S.O. 3263.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhagaband, District Dhanbad, and their workmen, which was received by the Central Government on the 3rd November, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 27 of 1980

PARTIES :

Employers in relation to the management of Bhagaband Colliery of M/s. Bharat Coking Coal Ltd., Post Office Bhagaband, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri J. P. Panda, Agent and Shri V. R. Singh, Dy. Personnel Manager, Bhagaband Area.

For the Workmen.—Shri Shankar Bose Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.
STATE : Bihar INDUSTRY : Coal.

AWARD

By Order No. I-20012(59)80-D. III(A) dated, the 11th October, 1980, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhagaband, District Dhanbad and their workmen in respect of the matters specified in the schedule to the order referred the same for adjudication to this Tribunal. The schedule attached to the order reads thus.

"Whether the demand of the workman of Bhagaband Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhagaband, District Dhanbad that Shri Hardeo Singh, Miners' Sirdar should be provided with alternate time-rated job and full wages for the period of idleness, is justified ? If so, to what relief is the said workmen entitled ?"

2. After notice parties have filed their respective written statement and rejoinders. It is not necessary to state the case of the respective parties in detail because when the matter was pending before this Tribunal for adjudication parties entered into compromise between themselves settling the dispute amicably. After settlement they have filed a petition with requisite number of copies of the settlement praying that an award be passed in terms of the settlement. I have carefully examined the terms of the settlement which has been signed by the respective parties and their authorised agents. The terms of the settlement have been admitted by the parties and the Agent. The terms appear to be fair and reasonable and therefore they are accepted. As prayed by the parties in their petition accompanying the settlement following award is passed.

Shri Ram Nayan Singh, son of Sri Hardeo Singh the concerned workman will be offered employment on compassionate ground by the Employers in time-rated Category-I and will be posted in the Pootkee-Balihari Integrated Projects with effect from the date of his joining subject to his medical fitness and Sri Hardeo Singh gives-up his claim for his employment in B.C.C.L as he has already exceeded the age of superannuation i.e. 60 years. Parties are to bear their own costs. The settlement shall form part of this award.

Sd/-
B. K. RAY,

BEFORE THE PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Ref. No. 27 of 1980

Employers in relation to the Management of Dhanbad Colliery to M/s Bharat Coking Coal Ltd.

AND
Their Workmen
SCHEDULE

"Whether the demand of the workmen of Dhanbad Colliery of Messrs Bharat Coking Coal Ltd., P.O. Bhagaband, District Dhanbad that Shri Hardeo Singh, Miners' Sirdar should be provided with alternate time-rated job and full wages for the period of idleness, is justified ? If so, to what relief is the said workman entitled ?"

(1) That the present reference is pending before the Hon'ble Industrial Tribunal No. 1.

(2) That the parties in the meantime have discussed the matter and settled the entire issue amicably between them. A copy of the settlement is marked Annexure 'A'

(3) The dispute has accordingly been resolved to the satisfaction of both the parties

It is therefore, prayed that the Hon'ble Tribunal may please hold the settlement as fair and reasonable and pass

an Award in terms thereof. And for this, the petitioners shall ever pray.

FOR MANAGEMENT

Sd/-
(J. P. Panda)

Agent,
Bhagaband Colliery
P.O. Bhagaband (Dhanbad)

FOR WORKMAN
Sd/-
(Shanker Bose)
Secretary, Rashtriya Colliery
Mazdoor Sangh,
Rajendra Path, Dhanbad.

For Rashtriya Colliery Mazdoor Sangh
Sd/-

Sd/-
General Secretary
Sd/-
Ram Nayan Singh

(V. R. Singh)
Dy. Personnel Manager,
Bhagaband Area.

Dated, the 26th day of Sept., 1981

Part of the award

BHARAT COKING COAL LIMITED

BHAGABAND AREA VII

ANNEXURE 'A'

MEMORANDUM OF SETTLEMENT

Name of the parties :

1. Sri J. P. Panda, Agent, Bhagaband Colliery, P. O. : Bhagaband (Dhanbad)—Representing Employers
2. Sri V. R. Singh, Dy. Personnel Manager, Bhagaband Area—Representing Employers
3. Sri Shankar Bose Secretary, Rashtriya Colliery Mazdoor Sangh, Rajendra Path (Dhanbad)—Representing Workman.

Short recital of the case:

The Govt. of India. Ministry of Labour vide Order No. I-20012(59)80-D.III(A) dated 16th October, 80 referred the following dispute for adjudication to the Central Govt. Industrial Tribunal No. 1, Dhanbad constituted under Sec. 7A of the Industrial Dispute Act, 1947

The Schedule of reference :

"Whether the demand of the workman of Bhagaband Colliery of Messrs Bharat Coking Coal Ltd, PO: Bhagaband, District, Dhanbad Shri Hardeo Singh, Miners' Sirdar should be provided with alternate time rated job and full wages for the period of idleness, is justified ? If so, to what relief is the said workman entitled ?"

Subsequent to the reference of the dispute, the matter has been discussed by and between the parties with a view to arrive at an amicable settlement. After discussions on several dates, it was agreed finally to resolve the dispute on the following terms and conditions:

Terms of settlement:

1. That it is agreed by the parties that Shri Ram Nayan Singh, son of Sri Hardeo Singh the concerned workman will be offered employment on compassionate ground by the Employers in time-rated Category—I (one) and will be posted in the Pootkee-Balihari Integrated Project with effect from the date of his joining subject to his medical fitness.
2. That it is further agreed that Shri Hardeo Singh hereby gives-up any claim for his employment in BCCL as he has already exceeded the age of superannuation i.e. 60 years.
3. That it is agreed by the parties that no amount of wages etc. will be payable by the Employers to Shri Hardeo Singh on any account whatsoever, except the amount of an ex-gratia compensation of Rs. 1112.16 Paise (Rupees one thousand one hundred twelve and sixteen Paise only) if not already collected on account of abolition of the system of working/non-working Miner's sirdar with effect from 1-2-1976.
4. That it is agreed by the parties that this settlement finally resolves the entire dispute as mentioned in the schedule of reference.
5. That it is further agreed by the parties that the copies of this settlement be endorsed to the authorised as per rule 58(4) of the Industrial Disputes (Central Rules, 1957) and the I.D. Act, 1947.

6. That it is also agreed that the memorandum of this agreement be submitted before the Hon'ble Tribunal with a request to give an Award in terms of the agreement as referred to above.

The dispute is resolved accordingly.

Sd/-

1. T. P. PANDA,
Agent, Bhagaband Colliery.

Sd/-
SHANKAR BOSE
Secretary

Sd/-

2. (V R Singh),
Dy. Personnel Manager
Bhagaband Area

WITNESSED

Mr. Rastriya Colliery Mazdoor Sangh.

Sd/-
General Secretary
Sd/-
(Ram Nayan Singh)

1. Sd/-

2. Sd/-

Dated the 26th day of September, 1981

[No. L-20012(59)80-D.III.A]
B. K. RAY, Presiding Officer.

New Delhi, the 10th November, 1981

S.O. 3264.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Salanpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad, and their workmen which was received by the Central Government on the 2nd November, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 16 of 1979

In the matter of an industrial dispute under S. 10(1)(J) of the I.D. Act, 1947

PARTIES:

Employers in relation to the management of Salanpur colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad and their workmen.

APPEARANCES:

On behalf of the employers—Shri B. Joshi, Advocate.
On behalf of the workmen—None.

STATE : Bihar INDUSTRY Coal
Dhanbad, 26th October, 1981

AWARD

This is a reference under S. 10 of the Industrial Disputes Act. The Central Government by its order No. L-20012/235/76-D.III(A) dated 26th March, 1979 has referred this dispute to this Tribunal for adjudication on the following terms:

SCHEDULE

"Whether the demand of the workmen of Salanpur colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad for employment of Shri Krishna Bhuria, Shri Damor Bhuria, Arjun Bhuria, Baiju Bhuria and Ranghu Bhuria wagon loaders is justified? If so, to what relief are the said workmen entitled?"

2. Salanpur colliery was taken over by the Government of India in October, 1971 and in May, 1972 it was nationalised. Rastriya Colliery Mazdoor Sangh has been functioning as the recognised and most representative union in the colliery since nationalisation. At the time of nationalisation it was found that a large number of outsiders were shown as regular employees with the result that the total labour strength after nationalisation was far in excess of the strength immediately before nationalisation. The management of the colliery issued orders prohibiting employment to new persons without prior permission of higher authorities. The case of the concerned workmen is that they were employed as wagon loaders even from before nationalisation of the colliery and they worked regularly as

wagon loaders throughout 1972, and till March, 1973 when they were stopped from work. According to them 5 other persons with identical name but with different surnames were inducted to replace them. The five concerned workmen complained that they were wrongly and most unjustifiably stopped from work. They also complained that the inductees had never worked in the colliery and as such had no claim. The Rastriya Colliery Mazdoor Sangh had taken up the matter with the management and demanded immediate reinstatement of the concerned workmen. It was further alleged that the persons who had been inducted were imposters. The union alleged that this induction was possible due to alliance between the inductees and some of the staff and the officers of Bharat Coking Coal Ltd. The management held an enquiry and it was found that S|Shree Krishna Das, Domar Das, Arjun Das, Baiju Das and Ranghu Das were impersonators in place of the old and genuine wagon loaders e.g. S|Shri Krishna Bhuria, Domar Bhuria, Arjun Bhuria, Baiju Bhuria and Ranghu Bhuria. Accordingly Shri Krishna Das and 4 others who were held to be inductees were stopped from work and through letter No. SD|Pers/76/K-394 dated 26-3-76 of B.C.C. Ltd, a request was made to the Officer-in-Charge, Katras Police Station to institute a case for impersonation. But no order was passed to reinstate the genuine workers, viz. S|Shri Krishna Bhuria, Domar Bhuria, Arjun Bhuria, Baiju Bhuria and Ranghu Bhuria who continued to sit idle inspite of the request of the union. The union therefore had to raise an industrial dispute before the Assistant Labour Commissioner(C) Dhanbad for consideration. The conciliation failed and a report was made by the Assistant Labour Commissioner(C) Dhanbad to the Government of India. On receipt of the failure of conciliation, the Regional Labour Commissioner(C) Dhanbad initiated further conciliation which also proved to be abortive. Ten months after another conciliation proceeding was started which again ended in failure. The case of the concerned workmen is that while conciliation proceeding was pending the management employed the aforesaid impersonators on the ground that no reason could be assigned by the union to establish that Shri Krishna Bhuria and 4 others were genuine workmen who were earlier employed in the colliery. The union, therefore, wrote to the Secretary, Government of India, Ministry of Labour challenging the decision of the Government. The union also wrote to the Minister of Labour drawing attention to the fact that there had been miscarriage of justice. The Government of India referred the dispute to this Tribunal. Copies of the various letters have been attached to the written statement of the workmen as annexures A, B, C, D, E, F, G and H.

3. The management of M/s Bharat Coking Coal Ltd. alleged that Shri Krishna Bhuria and 4 others named in the reference claimed job under the management after nationalisation on the ground that they were genuine workers of the erstwhile employers. Similarly Shri Krishna Das and 4 others with the same names as mentioned in the reference, claimed jobs on the plea that they were genuine workmen of the colliery. Two industrial disputes were accordingly raised one by Rastriya Colliery Mazdoor Sangh and the other by Bihar Colliery Kamgarh Union. In view of the two sets of disputes before the Assistant Labour Commissioner(C) Dhanbad, the papers were examined and it was found that the 5 workmen who were members of Bihar Colliery Kamgarh Union were the genuine workmen. Accordingly, a settlement was arrived at with the Bihar Colliery Kamgarh Union and the management under which the 5 workmen were taken in employment. The workmen represented by Rastriya Colliery Mazdoor Sangh were considered to be not genuine workmen and accordingly, the Central Government refused to refer the dispute for adjudication. The management's case is that once the Government of India accepted the position that the workmen represented by Bihar Colliery Kamgarh Union had been the genuine workmen, it was not open to the Government of India to make the present reference at the instance of the Rastriya Colliery Mazdoor Sangh.

4. In this reference the union was being represented by Shri S. Dasgupta, Jr. General Secretary, Rastriya Colliery Mazdoor Sangh and the written statement had been filed by him. On several dates fixed in this reference Shri Dasgupta was absent. Ultimately, Shri Sankai Bose, another representative of the Rastriya Colliery Mazdoor Sangh Union was informed to come ready for hearing of this case on 25-8-81. Shri Bose agreed for hearing of the case on 25-9-81. But on that date Shri Bose was not present. Therefore,

3-10-81 was fixed for hearing of the case, Shri Bose was again absent. The case being old it was heard ex parte. No evidence was adduced on behalf of the management represented by Shri B. Joshi, Advocate.

5. Shri Joshi has submitted before me that even from the annexures to the written statement of the workmen it has been established that the conciliation officers had held the view that the concerned workmen were not genuine workmen. The conciliation officer, therefore refused to recommend for adjudication. The Government of India accepted the position taken by the conciliation officer. It is true that this reference was made after the Rastriya Colliery Mazdoor Sangh union took up the matter with the Ministry of Labour, Government of India. Now, it was for the union to show in this court that the concerned workmen were the genuine workmen and were wrongly stopped from work. Nothing has been shown to establish that. On the other hand, the contention of the management is that when it was found that the workmen represented by Bihar Colliery Kamgarh Union were the genuine workmen, a settlement was arrived at between the management and that union to provide employment to the workmen represented by the Bihar Colliery Kamgarh Union.

6. Thus having considered the materials on record, I have to hold that the demand of the workmen of Salanpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad for employment of Shri Krishna Bhula, Domar Bhulia, Arjun Bhulia, Baiju Bhulia and Ranghu Bhulia, wagon loaders is not justified. Consequently, the concerned workmen are entitled to no relief.

This is my award.

J. P. SINGH, Presiding Officer
[No. L-20012/235/76 D. III A.]
A. V. S. SARMA, Desk Officer

S.O. 3265.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of United Commercial Bank, Lucknow and their workmen, which was received by the Central Government on the 2nd November, 1981.

BEFORE SHRI MAHESH CHANDRA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 14J of 1980

In re :

The Secretary,
U.P. Bank Workers Organisation,
32, Chakrata Road, Dehradun.
..... Petitioner

Versus

The Assistant General Manager,
United Commercial Bank,
23, Vidhan Sabha Marg, Lucknow.
..... Respondent.

AWARD

The Central Government as appropriate Government vide its order No. L-20012/194/79-D. II. A dated the 20th December, 1980 referred an Industrial Dispute to this Tribunal in the following terms u/s 10 of the I.D. Act :

"Whether the action of the management of United Commercial Bank, Lucknow in relation to their Dehradun Branch in denying promotion to Shri Dhani Ram, Peon, Dehradun Branch as Head Peon is justified? If not, to what relief is the workmen concerned entitled?"

2. On receipt of the reference it was ordered to be registered and notices were sent to the parties. Thereupon a representative of the Bank appeared but none appeared for the side. Notices have been sent to the workman side successively for

six hearings but none has appeared for the workman side. On 30-9-81 in view of the absence of workman side ex parte proceedings were ordered against the workman side and the Bank was directed to file its statement of claims and the case was adjourned to 19-10-81. On 19-10-1981 even Bank did not appear with the result that none was present for either of the parties on that date. Following order was passed :

Present none for parties.

The workman side is already ex parte. Today none has appeared for the Management either. In these circumstances award is reserved.

3. In these circumstances I am constrained to return a no dispute award in this matter. Parties would bear their own costs.

Further ordered :

That requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

Dated the 21st October, 1981

MAHESH CHANDRA, Presiding Officer
[No. L-20012/194/79-D. II. A.]
T. B. SITARAMAN, Desk Officer

New Delhi, the 12th November, 1981

S.O. 3266.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Central Bank of India, Hyderabad and their workmen, which was received by the Central Government on the 30th October, 1981.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

Industrial Dispute No. 13 of 1980

BETWEEN

Workmen of Central Bank of India, Hyderabad.

AND

The Management of Central Bank of India, Hyderabad.

APPEARANCES :

Sarvasri G. Bikshapathy and N. Mohan Rao, Advocates for Workmen.

Sarvasri G. Bhaskara Rao and B. Jagaal Reddy, Advocates for Management.

AWARD

This arises out of a reference made by the Government of India under Section 10(1)(d) of the Industrial Act, 1947 through Notification No. L-12012(56)/80-D. II. A, dated 1-10-1980 in respect of an Industrial Dispute that arose between the Management of Central Bank of India, Hyderabad and their workmen for adjudication by this Tribunal with the following issues :—

"Whether the action of the management of Central Bank of India, Hyderabad in terminating the services of Shri N. Veeresh, Clerk with effect from 31-7-76 is justified?

If not, to what relief the workmen is entitled?"

2. After the receipt of the reference which was registered as Industrial Dispute No. 13 of 1980, notices were issued to both the parties on 7-10-1980 and they were served. On 28-10-1980 the workmen filed claims statement and the Management filed counter on 10-12-1980 and the matter was posted for enquiry. On 24-12-1980 the learned counsel for Management prayed time for filing a Writ in the High Court of Andhra Pradesh. On 30-1-1981 when the case was called a Stay Order W.P.M.P. No. 452181 (WP No. 31981) of the High Court was filed into the Tribunal by the Management. The dispute was being called from time to time. On 6-1-1981 this Tribunal received an order dt. 15-6-1981 of the High Court Andhra Pradesh in Writ Petition No. 319 of 1981 W.P.M.P.

No. 452 of 1981 and W.P.M.P. No. 45 of 1981. In it, it was stated that the Advocate for the Writ Petitioner stated that the matter was settled and therefore, he was instructed to withdraw the Writ Petition and hence accordingly Writ Petition was withdrawn and dismissed. The matter was again posted from time to time. On 30-9-1981 when the matter was called, the Management and workmen were not present. It was stated that the dispute had already been settled out of Court by the parties. In view of it this reference is terminated.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal this Tribunal, this the 30th day of September, 1981.

B. PRASADA RAO, Industrial Tribunal
[No. I-12012(56)/80-D.II A]
T. B. SITARAMAN, Desk Officer

S.O. 3267.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Sodepur Workshop, P.O. Dishergarh, Distt. Burdwan and their workmen, which was received by the Central Government on the 6-11-1981.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 84/80

PARTIES :

Employers in relation to the management of Sodepur Workshop, P.O. Dishergarh, Dist. Burdwan.

AND

Their workman.

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.
For the Workman—Shri Sakti Chatterjee, Advocate.

INDUSTRY : Coal.

STATE : W. Bengal.

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them u/s 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have forwarded the dispute to the Central Govt Industrial Tribunal, Calcutta for adjudication by their Order dated 24-4-1979. Subsequently the said dispute has been transferred to this Tribunal for adjudication under Order No. S-11025(4)/80-D IV(B) dated the 14th/17th November, 1980.

SCHEDULE

"Whether the action of the management of Sodepur Workshop, P.O. Dishergarh, Dist. Burdwan in denying the Technical Grade 'A' to Shri Nirmal Sengupta is justified. If not, to what relief is the concerned workman entitled?"

2. The concerned workman was originally working in Sodepur Workshop under the Dy. Chief Engineer of the said workshop. He initially joined as Electrical-cum-mechanical Apprentice in the year 1962 and was made Electrical Improver in 1966. Some months thereafter he became Electrician and was then designated as Telephone mechanic in August, 1972 at Sodepur Workshop. In the end of 1973 a new office known as Office of the Superintending Engineer was opened at Sodepur in which 4 workshops were combined and were put under the control of Supdt. Engineer. The concerned workman was transferred to the office of the Supdtg. Engineer on 30-4-74 and since then he was performing the job of Technical Assistant under the Supdtg. Engineer. It is stated that he is competent in doing all types of technical jobs, personal matters, machinery and plants, processing quotations and other technical matters as and when entrusted to him. There was no other technical assistant in this office and with effect from June 1976 the concerned workman was placed in Technical Grade B. It is submitted that as the concerned workman was performing the job of technical grade 'A' he several times made representation

before the higher authorities for putting him in Technical Grade A. One of the reasons for claiming the said grade was that one Sri R. C. Ganguly, Engineer was also deputed in the office of the Supdtg. Engineer but he was transferred from there and the concerned workman was deputed to do the job of Sri Ganguly also in addition to his usual work as per direction of the management by letter dated 22-2-1975.

3. It is submitted that the concerned workman is a B.Sc. Part-I passed and has also obtained Diploma in L.E.E. apart from his experience and completion of four years Apprenticeship under the erstwhile owners. It is further stated that the Supdtg. Engineer is also the Chairman-cum-Managing Director of the company recommended to the higher authorities for placing the concerned workman in Technical Grade A and Departmental Promotion Committee for his selection to the post of Technical Grade A was also appointed on 7-4-1978. But still no consideration was given to his case and he was not put in Technical Grade A. It is submitted that he has not been regularized in Technical Grade A due to unfair labour practice and whimsical attitude of some of the officers of the management and that there was no justification for denying him the grade of Technical Grade A. It is prayed that he should be placed in Technical Grade A with effect from 30-4-1974 or from any other date as the Tribunal decides.

4. The management has objected to the claim of the concerned workman. It is however admitted that he is working in Technical Grade B. It is, however, submitted that it is virtually a case of promotion which is absolutely a management's function, but keeping in view the need felt by the management of Sodepur Workshop and the recommendation of the concerned workman necessary steps for creating one post of Technical Grade A was taken and a Departmental Promotion Committee was also constituted to consider the case of the concerned workman. But in the mean time by an order issued by the Govt. of India creation of all new posts and promotions were stopped and hence the management could not proceed further in the matter. This fact was made known to the union as also the concerned workman, but still they are insisting for the same.

5. On the above facts it is submitted that the reference be decided in favour of the management.

6. The point for consideration is as to whether the action of the management in denying Technical Grade A to the concerned workman Shri Nirmal Sengupta is justified. If not, to what relief he is entitled?

7. It is not denied that the concerned workman is at present working in Technical Grade B. Ext. W-7 is a letter dated 30-4-74 showing that the concerned workman Sri Sengupta was transferred for doing some special job in the Office of the Supdtg. Engineer, Sodepur Workshop. Soon thereafter considering the job performed by him the concerned workman filed a petition before the Supdtg. Engineer praying to allow him the pay of Technical Grade A from 1-1-1975. He filed another petition Ext. W-2 in October, 1975 praying to change his designation as Technical Assistant which was admittedly allowed. Another representation was filed by him (Ext. W-3) in December '75 claiming to fix him in Technical Grade A. Ext. W-4 is a letter dated 21-4-1976 by the Supdtg. Engineer to the Addl. Chief Personnel Officer informing him of the nature of job performed by the concerned workman and recommending that he should be fixed in Technical Grade A. The Dy. Chief Engineer vide Ext. W-5 also forwarded the representation of the concerned workman saying that the representation is fully justified and he should be given Technical Grade A. There is another representation dated 21-2-1978 by the Union to the Chief Engineer regarding the grade of the concerned workman. Thus from the above documents it is clear that since 1975 the concerned workman was pressing his claim for putting him in Technical Grade A and it was highly recommended by him boss the Supdtg. Engineer as also other higher authorities. It is admitted and also proved from the documents that necessary steps were taken by the management also for giving Technical Grade A to the concerned workman. It will appear from Ext. M-8 that on the representation made by the union regarding the grade of the concerned workman the Chief Engineer

Sri Roy wrote to the Addl Chief Personnel Officer recommending that the case of the concerned workman be considered on a favorable line and a Departmental Promotion Committee be constituted to examine his eligibility for this promotion. By letter Ext M-9 the Personnel Manager asked the authorities concerned to send the bio data of the candidates for being examined by the Departmental Promotion Committee on 21.4.78. Accordingly the Dy Chief Engineer of Sodepur Workshop forwarded the bio data of the concerned workman under Ext M-11 along with the names of other candidates of other workshops. Thereafter no further steps appear to have been taken in the matter.

8 In the written statement it is contended on behalf of the management that though steps were taken for promoting the concerned workman in Grade A but in the mean while by an order issued by the Govt of India creation of all new posts and promotions were stopped and hence the management of the company could not proceed further (para 6 of the written statement of the management). Thus according to the written statement the concerned workman was not given Technical Grade A because creation of posts and promotions were all banned totally.

9 It is therefore to be seen as to whether there was such a ban by the Ministry as alleged. During the course of argument, however the management made out a case that there was not a total ban but a partial ban and it is admitted by the management that some promotions were given between the years 1978 and 1981 but the concerned workman was not given the grade or promotion because the authority of Sodepur Workshop did not proceed in the matter.

10 In this connection it may also be mentioned that the letter of the Govt creating complete ban for promotion or creation of new posts has not been filed and so it is not known whether there was such a ban or not. No reason has been assigned as to why the said letter which is the very basis of defence of the management has not been filed. In lieu of that alleged confidential letter banning the promotions or creation of new posts the management has filed a letter dated 7-6-78 sent by Sri C S Jha Chairman cum Managing Director which is in continuation of his D.O. letter dated 3-5-78. This letter speaks about same letter dated 29.5.1978 from Sri S C Verma IAS Secretary (Coal) Ministry of Energy, New Delhi. By Ext M-12 the Chairman cum Managing Director gave certain clarifications and it shows that though all vacant posts stand abolished but it will be necessary to get fresh approval of the Board of Directors. It also provides that there is no intention to close the avenue of promotion but the only restriction was that the promotions or creation of posts should be approved by the Board of Directors for which action can be taken immediately.

11 On the basis of the above letter it has been urged on behalf of the management that there was a partial ban and so in some workshops where the department concerned took approval of the Board of Directors promotions and grades were given but as the Sodepur Workshop did not move in the matter hence the case of the concerned workman could not be considered. As already stated it is admitted by the management witnesses as also the documents on record that several promotions were given in different workshops inspite of the alleged ban. No paper has been filed to show that in cases of those promotions any approval from the Board of Directors was taken or not. Even if it be conceded that the approval of the Board of Directors for giving Grade A to the concerned workman was necessary then who was to move in the matter and the concerned workman management and the authority of the Sodepur Workshop who was to move in the matter and the concerned workman is not to blame for it. In fact he is dressing for his trade since 1975. The authority concerned also constituted a Departmental Promotions Committee to consider the case of the concerned workman but thereafter no step was taken and the matter was dropped saying that the Ministry had banned the creation of new posts or promotions. In fact the Chief Engineer took this file and sent letter Ext M-13 along with its enclosure to the Sodepur Workshop. The enclosure is a letter from the Personnel Manager dated 25.5.78 to the Chief Engineer stating that the Govt's directive had been received that all posts which are presently vacant has been abolished forthwith and in view of the

above no action is being taken in the matter. This is in respect of the Departmental Promotions Committee of the concerned workman which was constituted for considering his case for Technical Grade A. The same letter was sent to the General Secretary of the union which is Ext M-14.

12 As already stated the letter of the Central Govt banning creation of posts or promotion has not been filed on behalf of the management for whose benefit it is known to them. Further it will appear that if there was such a ban then it was applicable to the entire industry and not to the Sodepur Workshop only. As already stated several promotions have been given in different departments even after the urged ban. This fact has been admitted by the management as also documents on the record. According to MW-1 himself one such promotion was given in Sodepur Workshop also and the promotion was in technical grade A. Exts M-18, M-22 and M-24 would indicate that several persons have been promoted in different departments inspite of the alleged ban. If such promotions were being given there was no reason as to why the authority concerned did not take steps to give the technical grade A to the concerned workman whose file had proceeded upto DPC stage and whose name had been recommended favourably by the authorities concerned. This clearly indicates that for some reason or other the concerned workman was victimised and was not given his due grade. There is nothing to show that the concerned workman is not performing the duties which are performed by Technical Grade A and it is clear that taking pretense of the ban the concerned workman was not given Technical Grade A.

13 It was urged on behalf of the management that in June 1981 a DPC was constituted in which several persons including the concerned workman were asked to appear and that they were to sit in the test for which questions had been prescribed. But out of 8 persons called in the DPC 6 persons appeared in the test and they were promoted to Technical Grade A but two of them including the concerned workman did not give the test and submitted blank papers and hence he was not promoted. It is submitted that had the concerned workman appeared in the test he also would have got the promotion. In support of it the management has filed the Office Order Ext M-20 as also the letter issued regarding the constitution of the DPC (Ext M-16). Ext M-2 is a letter dated 12.6.81 addressed to the concerned workman directing him to appear before the DPC on 30.6.81 along with his original certificates and other papers required for the purpose. The management has also filed the question paper Ext M-7 of the said test. These documents no doubt show that some test was held in June 1981 for promotion. It will however appear from the letter issued to the concerned workman (Ext M-2) that though he was asked to appear before the DPC with his original certificates etc it was not made known to him that he was to appear in any test. The concerned workman has stated that he appeared and showed his certificates and testimonials but did not appear in the written test. It will also appear that for the non-appearance in the written test a show cause was issued against the concerned workman which is Ext M-3 dated 27.7.81. The concerned workman sent a reply Ext M-4 for not sitting in the examination. The reason assigned is that as his case was pending in reference before this Tribunal hence he did not appear in the test. Further no written test was ever adopted previously while upgrading diploma holders. It is admitted by MW-2 in para 11 of his cross examination that in Sodepur Workshop this was the first occasion when I.TEs and L.M.Fs were asked to appear in a test for promotion. Thus it will appear that a new procedure was adopted for giving proper grade in June '81 when no such procedure was adopted earlier anywhere. It might be that in order to exclude the concerned workman from his present grade this procedure was adopted by the management. The case of the concerned workman was highly recommended by the authorities as early as in the year 1977 and 1978. He was admittedly a good worker. Rather it will appear that even in August 1981 (Ext W-8) the concerned workman was deputed before the Manager Sodepur Workshop to assist him in planning organisation of different jobs being undertaken by the Workshop. Thus it cannot be said that the concerned workman was not competent to get Technical Grade A.

14 Considering the evidence and documents on record it is clear that though the concerned workman was entitled to get the grade of Technical Grade A but he was denied

of that grade purposely for some reason or other by the management.

15. It was however urged on behalf of the management that the present case is in fact a demand for promotion to Grade A and that the dispute raised by the union was also for promotion of the concerned workman to Grade A, but as the question of promotion is the discretion of the management so for promotion no industrial dispute can be raised. Further it is submitted that the Central Government can make reference only to the dispute raised by the union and as the dispute was for promotion the same reference should have been made and not the reference like present one viz., whether the action of the management in denying the Technical Grade V to the concerned workman is justified or not. In support of its reliance has been placed on a Ruling reported in 1968 I.F.L.R. page 307. This ruling however is not applicable to the facts of the present case. The present reference is regarding the grant of Technical Grade A to the concerned workman and the reference does not say about any promotion. Further under Schedule III, Item No. 7 it will appear that the classification by grade is within the jurisdiction of the Industrial Tribunal under the Industrial Disputes Act. The present case is in substance a claim for giving technical grade to the concerned workman as he was performing all the duties usually performed by technical Grade A Assistant. It might be that in a way it may amount to promotion but on that score alone the reference cannot be said to be without jurisdiction. From the substance of the different representations as also other documents it will appear that the main claim of the concerned workman was to place him in technical grade A and from the record it is clearly proved that the management was not justified in giving him the said grade B though they were taking the duties of technical Grade A from the concerned workman. The fact that no post of Technical Assistant Grade A existed in Sodepur Workshop or that there was no promotion is also belied from the documents of the management themselves. In fact in 1981 also several Grade A posts were created and as many as 6 persons were taken in that grade. There was no ban for giving Grade A to the staff as propounded by the management because it is now admitted by them during the course of hearing that the ban was partial and hence some persons were given promotion inspite of the alleged ban. Their contention as stated earlier is that for creation of posts or promotion the approval of the Board of Directors was necessary but no document was filed to show that in the case of admitted promotion such approval was taken.

16. The management has also urged that the Wage Board recommendation para 79 Vol. I would indicate that there is no post of Technical Grade A and hence the concerned workman was not entitled to get such grade. This argument is quite fallacious because admittedly the management gave the Grade of technical Grade A to many of their employees. Moreover, there are several posts in the coal industry which are not mentioned in the Wage Board recommendation. The above argument is therefore of no avail to the management.

17. Considering the entire evidence both oral and documentary as also circumstances of the case, I hold that the action of the management in denying Technical Grade A to the concerned workman is not justified and the concerned workman is entitled to get that grade as claimed by him.

18. The question is as to from which date he should get the above Technical Grade A. As is evident from the record, in the month of April, 1978 a Departmental Promotions Committee was constituted to examine the case of the concerned workman. His case was also highly recommended and he should have got that grade sometime in the month of April or May 1978 if the said Departmental Promotions Committee would have finalised the matter. In that view of the matter the concerned workman should get Technical Grade from 1st May, 1978.

19. To sum up I hold that the concerned workman is entitled to get the grade of Technical Assistant Grade A from 1st May, 1978 and the action of the management in denying him the said grade is fully unjustified.

20. I give my award accordingly.

J. N. SINGH, Presiding Officer
[No. L-19012(57)/78-D.IV-B]
S. S. MFHTA, Desk Officer

New Delhi, the 16th November, 1981

ORDER

S.O. 3258 - Whereas an industrial dispute exists between the employers in relation to the management of Singareni Collieries Co. Ltd. and their workmen represented by Singareni Collieries Workers Union (AITUC-Recog.);

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the 7-11-1981.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Names of the parties

Representing employers :	The management of M/s. Singareni Collieries Co. Ltd., P.O. Kothagudem Collieries, Khammam District (Andhra Pradesh).
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Representing Workmen :	Singareni Collieries Workers Union (AITUC), P.O. Kothagudem Collieries, Khammam District (Andhra Pradesh).
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It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri M.R. Raju, Deputy Chief Labour Commissioner (Central), Office of the Chief Labour Commissioner (Central), New Delhi :—

"Whether the demand of the Singareni Collieries Workers Union for grant of Category V wages of N.C.W.A.-II to the Roof Belting and Stitching Mazdoors working in collieries/mines of M/s. Singareni Collieries Co. Ltd. is justified or not ? In any case, to what relief the workmen are entitled and from what date ?

(i) Details of the parties to the dispute including the name and address of the establishment or undertaking involved :—

M/s. Singareni Collieries Co. Ltd.,
P.O. Kothagudem Collieries,
Khammam District (Andhra Pradesh).

(ii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question :—

Singareni Collieries Workers Union,
P.O. Kothagudem Collieries,
Khammam District (Andhra Pradesh).

(iv) Total number of workmen employed in the undertaking affected :—

About 67,000.

(v) Estimated number of workmen affected or likely to be affected by the dispute :—

About 300

We further agree that the decision of the arbitrator be binding on us. The arbitrator shall make his award within a period of two months from the date of publication of this agreement in the Official Gazette by the appropriate Government or with-

in such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh fixation.

Signature of the parties :

Representing employer :

Sd/-
(V. Gopala Sastry)
Senior Personnel Officer Singareni Collieries Co. Ltd., P.O. Kothagudem Collieries.

Representing workmen :

Sd/-
(I. Surya Rao)
Joint Secretary, Singareni Collieries Workers Union P.O. Kothagudem Collieries

Witnesses :

(1) S.I.-
(V.S. Sastry)
Stenographer, Office of the Regional Labour Commissioner (Central), Hyderabad.

(2) S.I.-
(Y.S.R. Murthy)
Stenographer, Office of the Regional Labour Commissioner (Central), Hyderabad.

I hereby give my consent to be an Arbitrator.

(M.R. RAJU)
Deputy Chief Labour Commissioner (Central)
New Delhi.
[No. L-21013(1)/81-B IV. B.]

S.O. 3269.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in respect of a complaint under Section 33A of the said Act filed by Shri Bedesi Das and 45 others against the management of Siduli Colliery of Eastern Coalfields Limited, P.O. Siduli, District Burdwan, which was received by the Central Government on the 10-11-1981.

CENTRAL GOVERNMENT LABOUR COURT AT CALCUTTA

Misc. Application No. LC 1 of 1980

PARTIES :

Svs. Bedesi Das and 45 others,
C/o. Sunil Mazumdar, General
Secretary, Ningha Colliery Mazdoor
Union, G. T. Road (East),
Asansol-713303

...Applicants

The Agent, Siduli Colliery of
Eastern Coalfields Ltd.,
P. O. Siduli, Dist. Burdwan

....Opp. Party

APPEARANCES :

On behalf of Applicants—Mr. Sunil Mazumdar, General Secretary, Ningha Colliery Mazdoor Union.

On behalf of Opp. Party—Mr. N. Das, Advocate, with Mr. P. S. Lal Singh, Dy. Personnel Manager.

STATE : West Bengal

INDUSTRY : Coal Mine

AWARD

This is an application under Section 33A of the Industrial Disputes Act, 1947 filed by Bedesi Das and several others, forty-six in number, against the Opposite Party, Agent, Siduli Colliery of Eastern Coalfields Ltd., P. O. Siduli, District Burdwan. The allegation is that an application No. LC 8 of 1980 under Section 33C(2) of the Industrial Disputes Act was pending and during the pendency of that application the

Opposite Party stopped employment of the applicant-complainants without taking approval from the Labour Court in respect of the said stoppage of work. It has been alleged that this stoppage of work by the Opposite party is a violation of Section 33 of the Industrial Disputes Act. The Opposite Party appeared and filed objection to the application denying the allegations made by the applicants. The Opposite Party has further stated that the application under Sec. 33C(2) of the Industrial Disputes Act is not an industrial dispute and that there has been no contravention of Section 33 of the Act in the facts of this case.

2. The matter came up for hearing on 3-11-1981. Mr. Sunil Mazumdar, General Secretary of Ningha Colliery Mazdoor Union appeared on behalf of applicants and Mr. N. Das, learned Advocate with Mr. P. S. Lal Singh, Deputy Personnel Manager of the colliery represented the Opposite party. The contention of Mr. Das is that the application on the very allegations made by the applicants is not maintainable in law as there was no contravention of Section 33 of Industrial Disputes Act. It is stated that the application under Sec. 33C(2) of the Industrial Disputes Act is not a proceeding in respect of an industrial dispute as mentioned in Sec. 33 and, therefore, there was no occasion for contravention of Section 33. According to Mr. Mazumdar when the claim case filed by the applicants under Sec. 33C(2) was pending the Opposite party ought to have taken permission of the Labour Court before which the claim case was pending. However the main question is whether the proceeding under Section 33C(2) of the Industrial Disputes Act is a proceeding in respect of an industrial dispute as mentioned in Section 33. If it is, then the question arises whether there has been a violation of Sec. 33 so as to attract Section 33A of the Industrial Disputes Act for filing a complaint.

3. In the present case the application under Sec. 33C(2) of the Industrial Disputes Act which is alleged to be an industrial dispute by the applicants is the Application No. LC 8 of 1980 where the applicants claimed for certain wages for a period as mentioned there which according to the applicants were not paid but were due to them. That claim was personal claim for monetary benefit for the alleged wages for a period. In view of the definition of "industrial dispute" as mentioned in Sec. 2(k) of the Act and also Section 7 and Section 7A of the said Act as to how Labour Courts and Tribunals are constituted for adjudication of industrial disputes along with Section 10 which speaks about the reference of industrial disputes to the Labour Courts and Tribunals by the Central Government, I must say that a claim under Sec. 33C(2) of the Industrial Disputes Act is not an industrial dispute but simply a personal claim for monetary benefit which does not come under the purview of "industrial dispute". Section 33 clearly refers to the pendency of a proceeding before the Labour Court or Tribunal in respect of an industrial dispute and there is the provision that during the pendency of such proceeding the employer shall not alter to the prejudice of the workmen concerned any condition of service in regard to any matter connected with the said dispute. It is also stated that the employer shall not in certain circumstances discharge or punish by way of dismissal or otherwise any workman for any alleged misconduct connected with the dispute. There is also provision as mentioned there for taking permission for dismissal of the workmen under certain circumstances. Sec. 33A of the Act says that if there is any violation or contravention of Sec. 33 then a complaint may be filed by an aggrieved employee. That violation or contravention must be in respect of Section 33.

4. In the case before me I am to see whether the application in LC No. 8 of 1980 was an industrial dispute. In view of the provisions of law and in view of the fact that the application under Section 33C(2) is not an industrial dispute. I must hold that there has been no occasion for contravention of any provision of Section 33 of the Industrial Disputes Act as alleged by the applicants and, therefore, the present application under Section 33A of the Act is misconceived and not maintainable. The applicants can get no relief.

I pass an award accordingly.

Dated, the 5th November, 1981.

R. BHATTACHARYA, Presiding Officer
[No. L-19014(3)/87-D IV(B)]
S. S. MEHTA, Desk Officer

New Delhi, the 20th November, 1981

S.O. 3270.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in respect of a complaint under section 33A of the said Act filed by Shri Ram Bilas Singh, against the management of Ningha Colliery of M/s. Eastern Coalfields Limited P.O. Kalipahari, District Burdwan, which was received by the Central Government on the 10-11-1981.

CENTRAL GOVERNMENT LABOUR COURT AT
CALCUTTA

Misc. Application No. LC 2 of 1980

PARTIES :

Ram Bilas Singh, Ningha Colliery, P.O. Kalipahari,
Burdwan ...Applicant

Vs.

Manager, Ningha Colliery of Eastern Coalfields Ltd.,
P.O. Kalipahari, District Burdwan ..Opp. Party

Misc. Application No. LC 3 of 1980

PARTIES :

Ram Bilash Singh and Matiur Rahaman, Pit Munshies
of Ningha Colliery, P.O. Kalipahari, District
Burdwan ...Applicants

Vs.

Manager, Ningha Colliery of Eastern Coalfields Ltd.,
P. O. Kalipahari, District Burdwan. .Opp. Party

APPEARANCES :

On behalf of Applicants.—Mr. Sunil Mazumdar.

On behalf of Opp. Party.—Mr. I. N. Srivastava, Deputy
Personnel Manager.

STATE : West Bengal

INDUSTRY : Coal Mines

AWARD

Two applications under Section 33A of the Industrial Disputes Act, 1947 have been heard analogously inasmuch as the parties are almost the same and the questions of fact and law are also the same. The said two cases have been registered as Misc. Application No. LC 2 of 1980 and Misc. Application No. LC 3 of 1980. In the Application No. 2 the applicant is Ram Bilash Singh and the Opposite party is the Manager, Ningha Colliery of Eastern Coalfields Ltd., P.O. Kalipahari, Dist. Burdwan. In application No. 3 the applicants were Ram Bilash Singh, Jagdish Singh and Matiur Rahaman and the Opposite Party is the Manager, Ningha Colliery. In Application No. 3 however Jagdish Singh filed a petition for withdrawal of his case and the prayer was allowed. His name was expunged from the record. At present the applicants are Ram Bilash Singh and Matiur Rahaman. Ram Bilash Singh in Application No. 2 is the same who filed Application No. 3 along with Matiur Rahaman.

2. The allegation of the applicant in Application No. 2 is that during the pendency of an industrial dispute in Application No. LC 3 of 1980 filed under Section 33C(2) of the Industrial Disputes Act the Opposite party, his employer, passed order for his transfer. His case is that when the industrial dispute was pending the Opposite party's order for transfer was illegal as no permission was taken of the Labour Court where the Application under Section 33C(2) of the Industrial Disputes Act was pending. According to the application there was a violation of Section 33 of the Industrial Disputes Act and as such the present complaint under Section 33A of the Industrial Disputes Act was filed.

3. In Application No. 3 under Sec. 33A of the Industrial Disputes Act the applicant's case is that in spite of the pendency of an industrial dispute in LC Case No. 3 of 1980 under Section 33C(2) of the Industrial Disputes Act, the Opposite party without taking approval of the Labour Court where the case was pending stopped the work and employment of the applicants, thus altering the service condition clearly dismissing them from service. This according to the applicants was a violation of Section 33 of the Industrial Disputes Act and as such the present complaint under Sec. 33A of the Industrial Disputes Act was filed.

4. The Opposite party filed objections to the petitions filed by the applicants in both the cases. The Opposite party challenged the allegations made by the applicants and the case of the Opposite party is that there has been no contravention

of Sec. 33 of the Industrial Disputes Act. In short, the case of the Opposite Party is that the applications are not maintainable.

5. When the matter came up for hearing on 2-11-81, a question arose whether the two applications under Section 33A of the Industrial Disputes Act were maintainable and whether there has been any case of contravention of Section 33 of the Industrial Disputes Act on the very allegations made in the applications. Mr. Sunil Mazumdar appeared on behalf of the applicants whereas Mr. I. N. Srivastava, Deputy Personnel Manager of the Opposite Party colliery appeared on behalf of the Opposite Party. I have heard both Mr. Mazumdar and Mr. Srivastava on the question of maintainability of the applications.

6. In this case the admitted fact is, as stated in the applications, that an application under Sec. 33C(2) of the Industrial Disputes Act, 1947 which was registered as Application No. LC 3 of 1980 was pending. The applicants were Ram Bilash Singh, Jagdish Singh and Matiur Rahaman. It may be mentioned in this connection that in that case Jagdish Singh withdrew his case and only two remained as applicants, namely Ram Bilash Singh and Matiur Rahaman. The claim in that case was for underground allowance alleged to have been unpaid to the applicants which according to them they were entitled to. Before any application may be filed under Section 33A of the Industrial Disputes Act, there must have been a contravention of the provision of Sec. 33 of the Act. Section 33 says that during the pendency of any proceeding before a Labour Court or a Tribunal in respect of an industrial dispute no employer shall in regard to any matter connected with the dispute alter to the prejudice of the concerned workman in such dispute, the condition of service applicable to them; nor shall the employer discharge/punish by way of dismissal or otherwise any concerned workman for any misconduct connected with the dispute. There is however provision that the workman concerned may be dismissed under certain conditions with the approval as mentioned therein.

7. According to Mr. Mazumdar for the applicants when the application under Sec. 33-C(2) was pending against the Opposite Party the applicants sought not to have been dismissed or rendered unemployed or transferred without the approval of the Labour Court before which the application under Sec. 33C(2) was pending. The acts of transfer and stoppage of work by the Opposite party against the applicants amounted to contravention of Section 33 of the Act.

8. Mr. Srivastava for the Opposite Party has however contended that the application under Sec. 33C(2) of the Industrial Disputes Act is an application for personal claim and not an industrial dispute as defined by the Industrial Disputes Act. Sec. 33 speaks about the industrial dispute and a proceeding connected therewith and Sec. 33A also speaks about the contravention while an industrial dispute or a proceeding connected therewith was pending. Industrial dispute has been defined in Sec. 2(k) of the Act. Section 7 of the Act says that the appropriate Government may by notification in official gazette constitute Labour Court for adjudication of industrial disputes relating to any matter specified in the second schedule to the Act. Section 7A speaks about the constitution of Industrial Tribunal for adjudication of industrial dispute relating to matter mentioned in second and third schedules to the Act. Section 10 of the Industrial Disputes Act speaks about the reference of industrial dispute to Labour Courts and Tribunals. Admittedly the application under Sec. 33C(2) of the Industrial Disputes Act was not sent by the Central Government to the Labour Court for adjudication as industrial dispute. Moreover, the claim of the dispute raised by the applicants in that application under Sec. 33C(2) does not come under the purview of second schedule to the Act. It is merely a personal monetary claim under Sec. 33C(2). In my view the dispute or claim which is involved in the application under Sec. 33(2) is not an industrial dispute and, therefore, that proceeding can not, by any stretch of imagination, be regarded as a proceeding in respect of an industrial dispute. According to my finding, therefore, when LC Case No. 3 of 1980 was not a proceeding in respect of an industrial dispute, there cannot be any question of contravention or violation of Sec. 33 of the Industrial Disputes Act. During the pendency of an alleged monetary claim on the ground that there was non-payment of certain allowance for a particular period as personal claim, as indicated earlier, the order for transfer or even stoppage of work or non-giving of work to the applicants cannot be deemed to be any contravention under Section 33 of the Industrial Disputes Act.

9. In view of my findings above, I must, therefore, hold that there was no contravention of Section 33 of the Industrial Disputes Act and there was no occasion for filing any application under Section 33A of the Act. Both the applications under consideration are misconceived and not maintainable. The applicants can get no relief whatsoever.

Awards are passed accordingly governing both the cases
Dated, Calcutta,

4th November, 1981.

R. BHATTACHARYA, Presiding Officer
[No. I-19014(3)/81-D.IV.B]
S. S. MEHTA, Desk Officer

का० अ० 3271।—उत्तरास प्रधिनियम 1922 (1922 का 7) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री ए० क० बसु जीवीय पारपत्र प्रधिकारी कलकत्ता को फूलकाल प्रभाव में उनके मपने कार्य के प्रतिरक्षित उत्प्रवासी संरक्षक के रूप में नियुक्त करती है।

[सं० ई० जी० ए० ड० इ० ११०१७/१/८१-ई एम शाही जी]
एस० वेक्टरसामी, उत्प्रवास महानियन्दक

S.O. 3271।—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (7 of 1922), the Central Government hereby appoints Shri A. K. Basu, Regional Passport Officer, Calcutta to be the Protector of Emigrants, Calcutta in addition to his own duties, with immediate effect.

[No. DGLW-11017/1/81-EMIG]
S. VENKATARAMANI, Controller Genl. of Emigration

नई दिल्ली 12 नवम्बर, 1981

का० अ० 3272।—मैसर्स कलकत्ता मेडिकल ट्रिपर्ट इस्टिट्यूट कलकत्ता 700027 (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) (जिसे इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक प्रभिन्न या ग्रीमियम का सदाय किए बिना ही भारतीय जीवन बीमा नियम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों ने भविष्यक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात उक्त स्कीम कहा गया है) के अधीन उन्हें अनुप्रयोग हैं,

अत केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसके उपबन्ध प्रत्युम्भी में विनियोग शर्तों के अधीन रहने हुए उक्त स्थापन को तीन वर्षों के लिये उक्त स्कीम के सभी अपबन्धों के प्रबंधन से छूट देनी है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रावेशिक भविष्य निधि अधिकारी, कलकत्ता को ऐसी विवरणियाँ भेजेगा, ऐसे लेखा रखेगा और विवरण के लिए ऐसी मुद्रितायें प्रदान करेगा जो केन्द्रीय सरकार समय समय पर निविष्ट करें।

2. नियोजक ऐसे विवरणियों का प्रत्येक माम को समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार समय समय पर उक्त अधिनियम की धारा 17 को अपधारा (3क) के अंडे (क) के अधीन निविष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना विवरणियों का प्रत्युत निया जाना, बीमा प्रीमियम का

संबंध, लेखाओं का अन्तरण, निरीक्षण प्रभारों का संदर्भ आदि भी है होने वाले सभी व्ययों का वहत नियोजक द्वारा किया जायेगा।

4. नियोजक केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाए तब उम संशोधन की प्रति तथा कर्मचारियों की वहुसंख्या की भाषा में उसकी मुद्र्य बातों का अनुवाद, स्थापन के सूचना पट्ट पर प्रवर्णित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त प्रधिनियम के अधीन छूट प्राप्त किसी संस्थापन की भविष्य निधि का पहले ही सदस्य है उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत भावशक प्रीमियम भारतीय जीवन बीमा नियम को संवत्सर करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को अपलब्ध कायदे बढ़ाये जाते हैं तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुक्त रूप से वृद्धि की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन कायदों से भविष्यक अनुकूल हों जो उक्त स्कीम के अधीन अनुशेष्य हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सदैय रकम उन रकम से कम है, जो कर्मचारी को उप दशा में सदैय होनी जब वह उक्त स्कीम के अधीन होता हो तो नियोजक कर्मचारी के विधिक वारिस/नामनिवेशिती को प्रतिक्रिया के रूप में दोनों रकमों के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संस्थाधन, प्रावेशिक भविष्य निधि आयुक्त, कलकत्ता के पूर्व अनुमोदित के बिना नहीं किया जायगा और जहाँ किसी संशोधन में कर्मचारियों के हित पर प्रतिकूल प्रभाव पहने की संभावना है, वह प्रावेशिक भविष्य निधि आयुक्त, प्रपना अनुमोदन देने से पूर्व कर्मचारियों को अपना इंटिकोग स्पष्ट करते का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी, भारतीय जीवन बीमा नियम की उम सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना छूका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह की जा सकती है।

10. यदि किसी कारणवश स्थापन के कर्मचारी, भारतीय जीवन बीमा नियम की उम सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना छूका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय आदि में किसी व्यतिक्रम की दशा में मूल सदस्यों के नाम निवेशितीय या विधिक वारिसों के, जो वह छूट न दी जाने की दशा में उक्त स्कीम के अधीन होते, बीमा फायदों के संदाय का उत्तरवाचित्र नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य को मृत्यु होने पर उसके हकदार नामनिवेशितीयों/विधिक वारिसों को बीमाहृत रकम का संदाय सत्त्वता में प्रीरपेक दशा में भारतीय जीवन बीमा नियम की बीमाहृत रकम प्राप्त होते के सात दिन के भीतर सुनिश्चित करेगा।

[स० एस०-35014(139)/80-पी० एक०-II]
प्रार० क० दृप, अकर मन्त्रि

New Delhi, the 12th November, 1981

S.O. 3272।—Whereas Messrs The Calcutta Medical Research Institute, Calcutta-700027 (hereinafter referred to as the said establishment) have applied for exemption under sub-

section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act),

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit-linked Insurance Scheme 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme, for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Calcutta, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc., shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Calcutta and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced to any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of

assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the scheme, the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/ legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S-35014(139)/80-PF II]

R. K. DAS, Under Secy.

New Delhi, the 12th November, 1981

S G 3273—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Government Opium and Alkaloid Works, Gazipur and their workmen, which was received by the Central Government on the 5th November, 1981.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO 3, DHANBAD

Reference No. 2780

PARTIES :

Employers in relation to the management of Govt. Opium and Alkaloid Works, Gazipur, U.P.

AND

Their workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate

For the Workmen—Sri Balrup Sharma, President, Opium Factory Labour Union, Gazipur.

INDUSTRY Opium

STATE : U. P.

AWARD

The Govt of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have forwarded the dispute to this Tribunal for adjudication under Order No. L-42012(30)/79-D II(B) dated the 22nd April, 1980.

SCHEDULE

"Whether the action of the management of the Govt Opium and Alkaloid Works, Ghazipur in terminating the services of S Sri Somaru Ram, Ram Gulam, Dev Nath and Mohd. Naim, Unskilled workmen with effect from the 2nd February, 1974 is legal and justified ? If not, to what relief are the said workmen entitled ?"

2. According to the concerned workmen the termination of their services is illegal and not on good and valid grounds and that the action of the management is malafide and unjustified. It is stated that no show cause was ever issued against them nor they were paid any retrenchment compensation and that their termination is against the provisions of the Industrial Disputes Act. In the earlier written statement no specific case of malafide has been made out but in the subsequent rejoinder they have stated that the services of these workmen were terminated because they were not ready to give false evidence as per direction of the management. It is also stated that one month's pay as provided under the Industrial Disputes Act was not paid to them before the termination of their services.

3. The management has come to contest the case and their main defence is that the termination of service was for loss of confidence against these workmen. It is stated that the factory in question is owned and managed by the Central Government through the Ministry of Finance, Opium and Alkaloid such as Codeine and Codeine phosphates, Narcotine,

Morphines etc. are manufactured in this factory and these materials are highly dangerous and smuggling of these materials is very grave offence. The management had information to the effect that the concerned workmen were indulging in under surreptitiously that the concerned workmen were indulging in undesirable activities at the factory. It is submitted that the nature of job of these workmen required utmost confidence but they indulged in undesirable activities i.e. smuggling. It is also stated that one month's notice pay in lieu of notice in accordance with certified standing orders as also the Industrial Disputes Act were offered to them but they refused to accept the payment the Industrial Disputes Act does not arise. According to them the management had confidential report about the smuggling activities of the concerned workmen and on the basis of these reports their services were terminated. It is contended that it was a case of 'termination simplicitor' for loss of confidence and so question of issuing any show cause or payment of any retrenchment compensation does not arise.

4. On the above grounds it is prayed that the action of the management be held to be legal and justified.

5. The point for consideration is as to whether the action of the management in terminating the services of S/Sri Somaru Ram, Ram Gulam, Dev Nath and Mohd. Naim unskilled workmen with effect from 2-2-1974 is legal and justified and if not, to what relief they are entitled.

6. Both the parties have adduced oral evidence and have also filed certain documents in support of their case. Exts. M-1 to M-13 are the termination order issued against these workmen separately. Ext. M-2 series are the receipts showing the acknowledgement of the termination letters by them. The termination letter simply reads that the services of the concerned workmen were hereby terminated with immediate effect under the provisions of para 12(i)(a) of the Certified Standing Orders and that the concerned workmen were directed to collect one month's pay in lieu of one month's notice from the Factory Treasury on Monday the 4-4-1974. The order is dated 2-2-1974 which was a Saturday and 3rd February was Sunday. Exts. M-3 to M-5 are the extract of the old and amended standing orders showing that the management had a right to terminate the employment of a permanent or temporary or seasonal workman by giving one month's notice or notice pay. Thus the management had power to terminate the services and this power is usually known as termination simplicitor. As against this office order the concerned workmen filed an appeal before the Deputy Narcotics Commissioner, Gazipur. It is not denied that the Dy. Narcotics Commissioner (hereinafter to be referred to as D.N.C.) had the authority to hear appeal against the order of the Manager terminating their services. The copy of the appeal has been marked as Ext. W-1. Ext. M-9 is the note sheet by the Manager on the memo of appeal giving the details for passing the order of termination of service. The D.N.C. after perusal of the comments of the Manager as also the grounds of appeal rejected the appeal and his order is mentioned in Ext. M-9 itself. The order dismissing the appeal was communicated to the concerned workmen by Ext. W-2 dated 8-5-74. Thereafter the concerned workmen preferred a writ petition before the Allahabad High Court which was dismissed (Ext. W-3) with the observation that the petitioners can raise their grievance under the provisions of the Industrial Disputes Act if they are so advised. Thereafter dispute was raised by the union before the A.L.C. and Ext. W-4 is a letter to the A.L.C. Kanpur by the Manager regarding the dispute. Ext. W-1 is a failure report and thereafter the present dispute was referred to this Tribunal for reference.

7. The union has also filed certain documents which are not very relevant for the purpose of this case. Ext. W-6 is the seniority list of the employees of this factory which was hung up on the notice board and the employees were directed to file objection if any. In this connection it may be mentioned that the question of seniority or juniority does not arise at all because it is a case of termination simplicitor and not retrenchment. Ext. W-7 is the appointment letter of one of the concerned workmen which is also not relevant. Ext. W-8 is the representation dated 19-4-74 by the President of the Opium Factory Labour Union, Gazipur to the D.N.C. praying to recall the order of termination. Ext. W-9 is another letter by the same President before the General Manager regarding the termination of these workmen as also other matters and Ext. W-10 is the minutes of the meeting between the union and the management in which the management held that the order of termination was valid and in accordance with law. Ext. W-12 is second show cause

notice issued by the management against one Sri Mehatim regarding proposed punishment against him. This has been filed on behalf of the workmen to show that no second notice was issued against this workmen, but from Ext. W-12 it will appear that the second show cause notice was issued against him after holding a domestic enquiry for the charges framed against him which were found to have been proved. But in this particular case as no charge was framed question of issue of second show cause notice does not arise at all.

8. The main question, however to be determined is as to whether the management has valid grounds to terminate the services of the concerned workmen for loss of confidence. In this connection the evidence of MW-1, Sri R. K. Tewary the then General Manager who passed the termination order is relevant. He has stated that the factory in question is engaged in manufacturing and export opium and various opium derivatives such as Morphines, Codeine etc. and this opium derivatives are known as dangerous drugs in terms of international convention and also under the National Laws of Narcotics and that there is very strict control under the national level under the auspices of United Nations with regard to production, distribution and consumption of these dangerous drugs. It is further stated that strict vigilance is kept over the employees working in this factory and Central Industrial Security Force are also employed in the factory for checking and search and they have Intelligence Wing also which collects information regarding smuggling activities of the factory employees including the workmen. He has further stated that the physical search taken by the Security Guard is not found full proof and there is chances of leakage inspite of search and security arrangements. According to him previously there was a system of search known as 'naked search' which was a full proof system but it was stopped since 1971 consequent upon the agitation by the workers.

9. This witness has further stated that in December '73 an intelligence report was given to the Manager by the sub-Inspector of Central Industrial Security Force which indicated that the concerned workmen were connected with the smuggling activities of dangerous drugs and thereafter another intelligence report in January '74 was submitted by Security Officer, Sri B. R. Lal based on the initial report of Asstt. Sub-Inspector, Sri N. C. Chauhan and it was forwarded to the Manager by Sri Lal. Another intelligence report was received in February '74 from Sri M. Latika, Supdt. of Police, Gazipur which also indicated that the concerned workmen were involved in smuggling of drugs. On receipt of these reports the Manager considered the entire issue and terminated the services of the concerned workmen. Ext. M-6 is the report dated 26-12-73 by Sri A. K. Sinha, Sub-Inspector and Officer Incharge of the Central Industrial Security Force. It is a confidential letter informing the Manager that it appears from the intelligence report that the concerned workmen were connected with the smuggling activities of dangerous drugs. The name of all the 4 concerned workmen are mentioned in it. Ext. W-7 is another report of Sri Chouhan which is a secret report mentioning that on 7-1-74 one worker named Ali Hussain was caught red handed while carrying morphines in his shoes and on interrogation he gave certain informations which are mentioned to this report itself. He had disclosed that in the beginning the method of smuggling was taught to him by Md. Naim (one of the concerned workmen) who used to pay him money after he took out the drugs outside and that Md. Naim had paid him different amount on different occasions. He further stated on interrogation that along with him three other concerned workmen also sold smuggled goods and they also do the work of smuggling like himself.

10. It is admitted by WW-2 Md Naim one of the concerned workmen that Ali Hussain was apprehended while he was taking away some morphines in his shoe and that he was arrested by the Police. The third report is Ext. M-8 which is a letter by the Supdt. of Police Mr. M. Latika dated 1-2-74 stating that Ali Hussain who had been apprehended on interrogation disclosed that the concerned workmen are taking out dangerous drugs from the factory and sold them out. All these three reports were considered by the Manager MW-1. His order terminating the services of these concerned workmen is Ext. M-9. He passed his order on the basis of above three reports. Thus, there was sufficient material before the Manager which indicated that the concerned workmen were engaged in smuggling activities and there was valid ground before him to terminate the services of the concerned workmen without issuing any formal show cause or framing any charge against them.

11. According to the union, however, these reports were subsequently manipulated at the instance of the Manager and they are not true reports. It is very hard to believe that an officer of the rank of Supt. of Police would be a party to the manufacture of any document or to report something against these workmen without any sound basis. The suggestion made on behalf of the concerned workman can be termed as 'preposterous' and cannot be believed.

12. The union has examined as many as 4 witnesses in this case and they are WW-1 Balrup Sharma, President Optum Factory Labour Union, WWs-2 & 3 Md. Nain Ram, Ram Gulam concerned workmen and WW-4 Hanuman Ram, Secretary of the union whose evidence is almost formal. The union has tried to show in their evidence that the concerned workmen were objecting to the method of naked search and hence the Manager and other officers were annoyed because the concerned workmen were also among the objectors and hence they have been penalised. But no such plea has been taken by the concerned workmen in the written statement filed by them. No mention of search has been made at all in the written statement. Further it is not denied that the procedure of naked search was stopped as early as in 1971 while the termination order was passed in the year 1974. Rather in the written statement it is mentioned that the services have been terminated because the concerned workmen refused to give false evidence as per direction of the management. It is not even stated as to in which case they were asked to give false evidence. Further not a single word has been stated by any of the workmen in their evidence that they were ever asked by the management to give false evidence in any case.

13. It has been tried to be shown on behalf of the union during evidence that one of the concerned workmen Md. Naim had some land dispute against Ali Hussain who was arrested while taking some drugs in his shoe and so he has been falsely implicated and his name was falsely disclosed by Ali Hussain before the police. But there is not an iota evidence to show that this Ali Hussain had any grievance against any other concerned workmen. No document has been filed to show that the particular piece of land for which there is dispute belongs to one of the concerned workmen, Md. Naim. Though he has stated that he has documents in his house showing that the said piece of land belongs to him but it has not been filed. The workmen has no doubt filed a report of Tahsildar Ext. W-14 but it is of the year 1977. The termination order was passed as early as in 1974. Thus it is also not proved that Md. Naim had any animosity with Ali Hussain who made certain statement on interrogation before the police.

14. Thus on consideration of all the above documents it is clearly shown that there were sufficient material before the management to lose confidence against the concerned workmen and in the circumstances the management was justified in terminating their services for loss of confidence and it is definitely a case of termination simplicitor.

15. Another plea which has been taken on behalf of the union is that one month's pay in lieu of notice was not paid to them. The concerned workmen have stated that they went to receive the amount but it was not paid. As against this the evidence of the management is that the amount was offered to them but they refused to take it.

16. The termination letter themselves indicate that the concerned workmen were directed to collect one month's pay in lieu of notice from the factory Treasury. Ext. M-10 is a letter dated 11-2-74 by the Dy. Chief Chemist Mr. J. K. Mehrotra to the Manager of the Factory. It is mentioned that as per order of the manager arrangement for necessary money was made but none of the 4 workers turned up for receiving the money on Monday and subsequently when they came on 8-2-74 to receive the salary for the month of January '74 they declined to accept one month's salary in lieu of notice and hence necessary orders were passed for depositing the said amount in the Govt Treasury. The Manager accordingly ordered (Ext. M-11) that the sum in question may be deposited in the Treasury. Thus it is clear that the amount was tendered to the concerned workmen but they refused to accept the same even though they went to the office of the Manager on 8-2-74 to receive their pay for the month of January '74. Thus on the evidence it can not be held that one month's pay in lieu of notice was not offered to the concerned workmen.

17. As it was a case of termination simplicitor the question of issue of any chargesheet or second show cause notice was not at all necessary as under the Standing Order as also under the general provisions of law the management has a right to remove any workman for loss of confidence and in this particular case there was ample evidence before the management to prove loss of confidence.

18. Considering all the facts and circumstances of the case, I hold that the management was justified in terminating the services of the concerned workmen with effect from 2-2-74. The concerned workmen, in the circumstances are not entitled to any relief.

19. I give my award accordingly.

J. N. SINGH, Presiding Officer

[No. L-42012(30)/79-D.II(B)]

S. S. BHALLA, Desk Officer

New Delhi, the 20th November, 1981

S.O. 3274.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in respect of a complaint under section 33A of the said Act filed on behalf of the workman against the management of Calcutta Port Trust, Calcutta, which was received by the Central Government on the 5th November, 1981.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :
CALCUTTA**

Misc. Application No. 10 of 1978

PARTIES :

National Union of Waterfront Workers

15, Coal Dock Road, Calcutta-43.

... Applicant

versus

Calcutta Port Trust,

15, Strand Road, Calcutta-1.

... Opp. Party

APPEARANCES :

On behalf of Applicant—Mr. I. K. Basu, an Executive Committee Member.

On behalf of Opp. Party—Mr. D. K. Mukherjee, Labour Officer, Calcutta Port Trust.

STATE : West Bengal

INDUSTRY : Port

AWARD

This is an application under Section 33A of the Industrial Disputes Act, 1947 filed by the National Union of Waterfront Workers, 15, Coal Dock Road, Calcutta, for an alleged contravention of Section 33 of the Act while a Reference under Section 10 of the Act was pending before this Tribunal for adjudication of an industrial dispute between the management of Calcutta Port Trust and their workman represented by the said Union. The Opposite Party, Calcutta Port Trust, appeared and challenged the allegations on different grounds. When the case was taken up for hearing on 16-10-81 Mr. D.K. Mukherjee, Labour Officer of the Port Trust raised a preliminary point as to the maintainable of the present application. His contention was that the Union who is the applicant in the present case filing the complaint had no locus standi to file it as according to the Act only "an employee aggrieved by such contravention, may make a complaint in writing". As in the present case no aggrieved employee of the Port Trust has filed the instant complaint it is not maintainable. Mr. I. K. Basu, a member of the Executive Committee of the Union appeared on behalf of the Union and opposed the contention of Mr. Mukherjee. His submission was that as the union has right to represent the workman the said union can file a complaint under Sec. 33A of the Act as has been done in the present case.

2. There is no dispute that a Reference under Sec. 10 of the Industrial Disputes Act was pending before the Tribunal by virtue of the Central Government's Order No. L-32012(14)/76-D-IV(A) dated 6th May, 1977 between the Calcutta Port Trust, hereinafter described as the "Port Trust" and their workmen represented by the National Union of Waterfront Workers, hereinafter referred to as the "Union". The present application under Sec.33A of the Industrial Disputes Act has been admittedly filed by the Union. This application is verified by the Secretary of the Union. It is also stated that the Petitioner is the Union. The question, therefore, is whether the present application has been filed by a competent person and whether the present application as filed is maintainable.

3. Section 33A of the Industrial Disputes Act says that an employee aggrieved by the contravention of the provisions of Section 33 of the Act can make a complaint in writing in the prescribed form and that on receipt of such complaint the Labour Court, Tribunal or the National Tribunal, as the case may be, shall adjudicate upon the complaint. The language of Section 33A is quite clear to say that an employee who is aggrieved by the alleged contravention will be eligible to make a complaint under Sec. 33A of the Act. According to Section 36 of the Act a Workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by any member of the Executive or other Office-bearer of a Federated Trade Union of which he is a member or by any member of the Executive or other Office-bearer of a Federation of Trade Unions to which the trade union referred to in clause (a) is affiliated or where the worker is not a member of any trade union by any member of the Executive or other Office-bearer of any trade union connected or by any other workman employed in the industry in which the worker is employed or otherwise in such a manner as may be prescribed. From the reading of the provisions of the Industrial Disputes Act it is quite evident that a complaint under Sec. 33A may be filed by an employee aggrieved by the contravention of Sec. 33 and the said employee may be represented, if he so desires, in the manner as mentioned in Sec 36 of the Industrial Disputes Act. There is no provision whatsoever that any union has the authority or right to file any complaint under Section 33A of the Act.

4. In support of his contention Mr. Mukherjee has referred to several decisions. It is no use mentioning all but I may conveniently refer to some of them. In the case of Prakriti Bhushan Gupta, reported in 1952 II LLJ. 642, it was held by the Labour Appellate Tribunal as follows :

"This Tribunal has held more than once that a complaint under Sec. 33A can only be made by the aggrieved workman himself and a labour union can make an application under the section only on behalf of the aggrieved workman with his authority."

This principle was followed by the Labour Appellate Tribunal of India in the case of M. M. Nagalingam reported in 1954 I LLJ 515.

5. We also get the same principle adopted by the Labour Appellate Tribunal in the case of Steel Brother & Co. Ltd., reported in 1954 I LLJ 314 where it was held :

"A labour union or an officer thereof has no independent right to make a complaint under S. 33A of the Industrial Disputes Act. It is only the aggrieved workman who can. But it does not mean that he cannot authorise an agent to make the complaint on his behalf."

This principle has been accepted by the Division Bench of the Assam High Court in the case of National Power Supply Corporation Ltd.-v-State of Assam and Others, reported in 1963 II LLJ, p. 10.

6. Mr. Basu on behalf of the union has submitted before me that the union should be presumed always to represent the workmen and, therefore, the union has the right to file an application under Sec. 33A of the Industrial Disputes Act for the interest of the workmen and representing them. I am sorry that I cannot accept the contention of Mr. Basu, in view of the clear language of Sec. 33A of the Industrial Disputes Act as already mentioned and on the face of the decisions as already indicated, the complaint should have been filed by any workman if at all aggrieved by any contravention of Section 33 of the Industrial Disputes Act and

if he liked he could have authorised the union to represent him in the proceeding. I must, therefore, hold that the present application filed by the union is against law and the instant application under Sec. 33A is not maintainable, the application is, therefore, rejected.

This is my award.

Dated, Calcutta,

The 28th October, 1981.

R. BHATTACHARYA, Presiding Officer
[No. L-32014(12)|81-D. IV. A.]

S.O. 3275.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in respect of a complaint under section 33A of the said Act, filed on behalf of the workmen against the management of the Calcutta Port Trust, Calcutta, which was received by the Central Government on the 5th November, 1981.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA.

Misc. Application No. 7 of 1978

Ranen Chandra, Assistant General Secretary, Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23. ...Applicant

Vs.

The Chairman, Calcutta Port Trust, 15, Strand Road, Calcutta-1. ...Opp. Party.

APPEARANCES :

On behalf of Applicant.—Absent.

On behalf of Opp. Party.—Absent.

STATE : West Bengal

INDUSTRY : Port

AWARD

This is an application under Section 33A of the Industrial Disputes Act, 1947 filed by Ranen Chandra, Assistant General Secretary of Calcutta Port Sramik Union against the Chairman, Calcutta Port Trust. The allegation is that during the pendency of a Reference under Section 10 of the Industrial Disputes Act arising out of the Central Government Order No. L-3201(2)|78-D-IV(A) dated 3rd August, 1978 in Case No. 70 of 1978 there had been a contravention of Section 33 of the Act and as such the present application was filed. The parties were the Calcutta Port Trust, hereinafter referred to as the "Port Trust" and in the said reference the workmen who were represented by the Calcutta Port Sramik Union, hereinafter referred to as the "Union". The Opposite Party Port Trust appeared and challenged the allegation made in the application.

2. To-day was the date fixed for peremptory hearing. I waited for the parties upto 2 P.M. but nobody appeared. I have gone through the petition under Sec. 33A filed by the applicant and also the objections filed by the Port Trust. The present application has been filed by the Assistant General Secretary of the Union. Section 33A of the Industrial Disputes Act clearly says that an employee aggrieved by any contravention of the provisions of Sec. 33 during the pendency of a proceeding before the Labour Court, Tribunal or National Tribunal may make a complaint in writing. Section 36 of the Act speaks about the representation of a party. If a workman is a party to a dispute and if he so likes he may be represented by the Union. According to the provision, therefore, the aggrieved employee has a right to file a complaint under Sec. 33A but the Union has got no such right independently. At best it may represent the aggrieved party if duly authorised by the latter. There is a number of cases decided which clearly say that only the aggrieved workman has the authority to file a complaint under Sec. 33A and not the union. The union may represent the aggrieved party but it has got no independent right to file a complaint. For this purpose I may refer the case of Prakriti Bhushan Gupta, reported in 1952 II LLJ 642, the case of M. M. Nagalingam reported in 1954 I LLJ 515 and the case of Steel Brothers & Co. Ltd. reported in 1954 I LLJ 314, all decided by the Labour Appellate Tribunal of India. The principles enunciated in these cases have been accepted by the Division Bench of Assam High Court in the case of National Power Supply Corporation Ltd. -vs- State of Assam and Others, reported in 1963 II LLJ, p. 10.

3. Giving my best consideration to the facts of this case I find that the present complaint under Sec. 33A of the Industrial Disputes Act, 1947 filed by Ranen Chandra, Assistant General Secretary of the Union is incompetent and not maintainable. The said application is, therefore, rejected.

This is my award.

Dated, Calcutta,

The 28th October, 1981.

R. BHATTACHARYA, Presiding Officer
[No. L-32014(1)/81-D-IV.A]
NAND LAL, Desk Officer

विधिवाच संदर्भ

आवेदन

तहीं विधी, 28 अक्टूबर, 1981

का० ना० 3276 :— नियाति (क्षालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार की यह राय है कि भारत के नियाति व्यापार के विकास के लिए ऐसा करना आवश्यक नहीं मरोज़ी है फिर विद्यासलाई का नियाति से पूर्व निरीक्षण किया जाए ;

और केन्द्रीय सरकार ने उक्त प्रयोजन के तिथि तक विनियित प्रस्ताव बनाए हैं और उसने नियाति (क्षालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अवेकानुसार नियाति नियंत्रण परिषद् को भेज दिया है ;

अतः केन्द्रीय सरकार उक्त उप-नियम के अनुमति में उक्त प्रस्तावों की उप व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिसके उपके प्रमाणित होने की संभावना है ।

2. सचमा दी जाती है कि उक्त प्रस्तावों के बारे में कोई भावेन्द्रीय सुझाव देने का इच्छुक कोई अधिकार उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंचलीस दिन के भीतर अपर निदेशक नियाति नियंत्रण अधिकारण-कलेक्टर, "वर्ल्ड ट्रेड सेटर" 14/1 बी० एजेंसी स्ट्रीट (प्राथमिक मणिल) कलकत्ता-700001 को भेज सकता है ।

प्रस्ताव

(1) प्रधिसूचित करना कि विद्यासलाईयों का नियाति से पूर्व निरीक्षण किया जाएगा ;

(2) (क) राष्ट्रीय और अन्तर्राष्ट्रीय मानकों प्राप्त नियाति नियंत्रण परिषद् द्वारा मान्यता प्राप्त व्यापार नियाति व्यापारों के मानकों की, और

(ख) विदेशी क्रेता और नियातिकर्ता के द्वारा नियाति संविदा के कारार पाए विनिवेशों के रूप में नियातिकर्ता द्वारा घोषित विनिवेशों को, बताने कि वे स्वतंत्र (क) में विनियित मानकों से नीचे के न हों। विद्यासलाईयों के लिए मानक विनिवेशों के रूप में मान्यता देना परन्तु यह नव जरूर वे खड़ (क) में विनियित मानक से नीचे नहीं है ।

टिप्पणी : जब नियाति संविदा में विनियित मानकों की अवेक्षण नहीं दी गयी है या केवल नमूनों पर ही प्राप्तिकर्ता हैं तब नियातिकर्ता विनियित प्रमुख करेगा ।

(3) इस आदेश के उपार्थ 1 में दिए गए विद्यासलाईयों के नियाति (नियंत्रण) नियम, 1981 के प्रारूप के अनुसार नियंत्रण के प्रकार को नियंत्रण के ऐसे प्रकार के रूप में विनियित करना जो ऐसी विद्यासलाईयों के नियाति पर लागू होगा ।

(4) अंतर्राष्ट्रीय व्यापार के अनुक्रम में विद्यासलाईयों के नियाति को तब तक प्रतिष्ठित करना जब तक कि उनके साथ नियाति (क्षालिटी नियंत्रण और नियंत्रण) अधिनियम, 1963 (1963 का 22) के अधीन

यथाप्रति नियाति नियंत्रण अधिकारणों में से किसी एक द्वारा जारी किया गया इस आण्य का प्रमाण-पत्र नहीं है कि विनामन है। उपरोक्त मानक विनियेशों के अनुसार है ।

2 इस आदेश की कोई भी भाव मार्गी जेताओं को जू-मार्ग, बाय-मार्ग या जल-मार्ग द्वारा विद्यासलाईयों के बास्तविक नमूनों के नियाति को लाए नहीं होगा। परन्तु यह नव नव जरूर कि ऐसे परेयण का पोत-पर्याप्त नियंत्रक मूल्य एक सौ पञ्चाश्वर रुपये से अधिक नहीं है ।

3. इस आदेश में, "दिवामलाई" से अभिप्रेत है भली प्रकार से मर्सेष्ट लकड़ी की अपृष्ठीय या बेलित और संपीड़ित पतले और कड़े कागज की विद्यासलाई जो बारों प्रोर से रसायनिक क्रिया टिप्पीची सहित भोग से संसेषित है जो तीलियों की छिढ़ी के बाहरी ओर या इसके पैकिंग कवर पर घर्षण सतह पर रगड़ने से लपट उत्पन्न करती है ।

उपार्थ 1

नियाति (क्षालिटी नियंत्रण और नियंत्रण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अनुसार जाने जाने प्रस्तावित नियमों का प्राप्त ।

1. संक्षिप्त नाम : इन नियमों का संक्षिप्त नाम विद्यासलाई नियाति (नियंत्रण) नियम, 1981 है ।

2. परिमाणाएँ :— इन नियमों में जब तक कि संवर्धन से प्रत्येक अपेक्षित न हो —

(क) "अधिनियम" से नियाति (क्षालिटी नियंत्रण और नियंत्रण) अधिनियम, 1963 अभिप्रेत है ;

(ख) "अधिकारण" से अधिनियम का धारा 7 के अधीन स्थापित नियाति नियंत्रण अधिकारणों में से कोई एक अधिकारण अभिप्रेत है ;

(ग) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित नियाति नियंत्रण परिषद् अभिप्रेत है ;

(घ) "दिव्यासलाई" से अभिप्रेत है भली प्रकार से मर्सेष्ट लकड़ी की अपृष्ठीय या बेलित और संपीड़ित पतले और कड़े कागज की विद्यासलाई जो बारों भोर से रसायनिक क्रिया टिप्पीची सहित भोग से संसेषित है जो तीलियों काली छिढ़ी के बाहरी ओर या इसके पैकिंग कवर पर घर्षण सतह पर रगड़ने से लपट उत्पन्न करती है ।

(ङ) "मनुसूचा" से इन नियमों में संलग्न मनुसूची अभिप्रेत है ।

3. नियंत्रण का भाषार— दिव्यासलाई की निर्भयग यह सुनिश्चित करने के दृष्टि से किया जाएगा —

(1) कि उसकी क्षालिटी सरकार द्वारा अधिनियम 4 की धारा 6 के अधीन मान्यता प्राप्त विनिवेशों के अनुरूप है, यद्यपि

(क) राष्ट्रीय और अन्तर्राष्ट्रीय मानकों और नियाति नियंत्रण परिषद् द्वारा मान्यता प्राप्त अन्य विकारों के मानक, या

(ख) विदेशी क्रेता और नियातिकर्ता के द्वारा नियाति संविदा के कारार पाए विनिवेशों के रूप में नियातिकर्ता द्वारा घोषित विनिवेशों परन्तु यह तब जब वे पारिषद् द्वारा मान्यता प्राप्त मानकों से संघीय नहीं हैं और

(2) कि उत्पादन के दौरान आवश्यक क्षालिटी नियंत्रण का प्रयोग हरसे हुए विनियित किया गया है। इस प्रविष्टुता के उपार्थ II में विनियिष्ट है ।

या

(ख) इस प्रविष्टुता के उपार्थ III में विनियिष्ट दृष्टि से किए गए विनियिष्ट क्रांति परामर्श के आधार पर,

4. नियंत्रण का अधिकार

(1) दियासलाई के परेषण का नियंत्रण करने का इच्छुक नियंत्रक कर्ता नियंत्रित संविधान का प्राप्तदेश की एक प्रति के साथ संविश्वासक विनिर्देशों का घूमाएँ। देते हुए, अभिकरण को विविध रूप में सूचना देगा ताकि अभिकरण नियम 3 के अनुसार निरीक्षण कर सके।

(2) उपांचंद्र II में अधिकारित उत्पादन के दौरान पर्याप्त क्वालिटी विनिर्देशों का प्रयोग करने हुए विनिर्मित दिवारकाँड़ी के लिए नियंत्रित करें और परिषद् द्वारा गठित विवेषों के पैनल/परिषद् द्वारा और यह आप्यनियंत्रित करने पर कि उत्पादन के दौरान पर्याप्त क्वालिटी वियंत्रण द्विले हैं। नियंत्रित कर्ता उपनियम (1) में उल्लिखित सूचना के साथ इस प्रभाव की एक घोषणा भी देगा कि नियंत्रित के लिए आप्यनियम दियासलाई का परेषण में पर्याप्त क्वालिटी नियंत्रण का प्रयोग करने हुए विनिर्मित किया गया है जो उपांचंद्र II में अधिकारित है और परेषण इस प्रयोजन के लिए माध्यम प्राप्त मानक विनिर्देशों के अनुकूल है।

(3) नियंत्रिकर्ता नियंत्रित किए जाने वाले परेषण पर लगाए जाने वाले पहचान विचार अभिकरण को देगा।

(4) उपरोक्त उपनियम (1) के अधीन प्रत्येक सूचना विनिर्माता के परिमर से परेषण के भेजे जाने से कम से कम मात्र दिन पूर्वी वीजाएँ जब कि उपनियम (2) के अधीन घोषणा संकेत सूचना विनिर्माता के परिमर से परेषण को भेजे जाने से कम से कम तीन दिन पूर्वी वीजाएँ।

(5) उपनियम (1) के अधीन सूचना प्राप्त होने पर और उपनियम (2) के अधीन घोषणा, यदि कोई ही-अभिकरण —

(क) अपना यह समाधान कर लेने पर कि विनिर्माण की अक्रिया के दौरान विनिर्माता के उपांचंद्र II में अधिकारित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया था और इस प्रयोजन के लिए माध्यम प्राप्त मानक विनिर्देशों के अनुकूल उत्पादन का विनिर्माण करने के लिए इस संबंध में परिषद् द्वारा जारी किए गए अनुरेशों का यदि कोई हो, पालन किया है तोन दिन के भीतर यह घोषित करने हुए प्रमाणान्वत जारी करेगा कि दियासलाई का परेषण नियंत्रित थम्य है जहां विनिर्माता नियंत्रिकर्ता नहीं है वहां परेषण का मौखिक रूप से संस्थापन किया जाएगा और अभिकरण द्वारा ऐसा संस्थापन और निरीक्षण यदि आवश्यक हो यह मुनिश्वित करने के लिए किया जाएगा कि उपरोक्त बातों का पालन किया गया है। अभिकरण नियंत्रित के लिए आप्यनियम परेषणों में से कुछ परेषण की स्थल पर जांच भी करेगा और यूनिट द्वारा अपनाई गई उत्पादन के दौरान क्वालिटी नियंत्रण द्विलों की पर्याप्तता के प्रत्युक्त शा मस्त्यपन करने के लिए नियमित प्रतिरातों पर यूनिटों में भी जाएगा। यदि विनिर्माण यूनिट परिषद्/अभिकरण के अधिकारियों की सिफारिश पर विनिर्माण के किसी भी प्रक्रम पर अपेक्षित क्वालिटी नियंत्रणों उपायों की प्रयोग नहीं करता है तो यह घोषित किया जाएगा कि यूनिट के पाप उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण द्विलों की नहीं है। ऐसी दशाओं में यूनिट उनके द्वारा अपनाई गई उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण द्विलों की पर्याप्तता का अनुमोदन प्राप्त करने के सिए फिर से आवेदन करेगा।

(ख) ऐसी दशाओं में जिनमें नियंत्रिकर्ता ने उपनियम (2) के अधीन यह घोषित नहीं किया है कि उपांचंद्र II में अधिकारित क्वालिटी नियंत्रणों की पर्याप्तता का प्रयोग किया गया है वहां उपांचंद्र III में अधिकारित निरीक्षण/निरीक्षण के आधार पर या दोनों के आधार पर अपना यह समाधान कर लेने पर कि वियासलाई का परेषण माध्यम प्राप्त मानक विनिर्देशों के अनुल्प है ऐसा निरीक्षण करने के सात दिन के भीतर यह घोषित करने हुए प्रमाणान्वत जारी करेगा कि वियासलाई का परेषण

नियंत्रित योग्य है। परन्तु जहां अभिकरण का इस प्रकार समाधान नहीं होता है वहां नियंत्रिकर्ता को ऐसा प्रमाणपत्र जारी करने से इकार कर देगा और उसके कानूनों नहिं नियंत्रिकर्ता को मात्र दिन के भोतर ऐसे इकार की सूचना भी देगा।

(6) जहां विनिर्माता नियंत्रिकर्ता नहीं है या परेषण का उपनियम (5)(ब) के अधीन निरीक्षण किया गया है या वोलों ही वशमें अभिकरण, निरीक्षण की समर्पित के तुरन्त परवात परेषण में ऐकेजों को इस बैग में सीलबद्ध करेगा कि वीनवस्त्र वैकेजों के साथ छेष्ठाइ न वीजा जा सके। परेषण की अव्याहकता की दशा में, यदि नियंत्रिकर्ता ऐसा जाहाजा है कि परेषण अभिकरण द्वारा सीलबद्ध नहीं किया जाएगा किन्तु ऐसे भागमें में नियंत्रिकर्ता अव्याहकता के विषय कोई भी घोटाल करने का हक्कार मही होगा।

5 निरीक्षण का स्थान--

एवं नियमों के अधीन प्रत्येक निरीक्षण या तो --

(क) ऐसे उत्पाद के विनिर्माता के परिसरों पर किया जाएगा या

(ख) ऐसे परिसरों पर किया जाएगा जहां नियंत्रिकर्ता ने मान प्रस्तुत किया है परन्तु वह तब जब वहां निरीक्षण के लिए पर्याप्त सुविधाएँ विद्यमान हैं।

6 निरीक्षण फीस--

नियंत्रिकर्ता अभिकरण को निम्नालिमार निरीक्षण फीस देया --

(i) (क) उत्पादन के दौरान क्वालिटी नियंत्रण स्कॉम के अधीन नियंत्रित करने के लिए प्रति परेषण कम से कम 20 रुपए के अधीन रहने हुए औन-पर्यन्त नियुक्त मूल्य के 0.2% की दर से;

(ख) परेषणानुसार निरीक्षण के अधीन नियंत्रित के लिए प्रति परेषण कम से कम 20 रुपए के अधीन रहने हुए पोत पर्यन्त नियुक्त मूल्य के 0.4% की दर से।

(ii) उन विनिर्माता नियंत्रिकर्ताओं के लिए जो गाझों/मंथ राज्य भेजों की संबंधित सरकारों के पास लेख उद्योग एककों के लिए रजिस्ट्री-हृत हैं, प्रति परेषण कम से कम 20 रु. के अधीन रहने हुए (क) और (ख) के लिए 0.18% और 0.36% की दर से होगी।

7 प्राप्तील—

(1) नियम 4 के उपनियम (6) के अधीन ग्राम-पत्र देने से इकार किए जाने से अधित कोई व्यक्ति ऐसे इकार की सूचना प्राप्त होने के बाय दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त कम से कम तीन और अधिक से अधिक सात अविक्षयों के पैनल को प्राप्तील कर सकता है।

(2) विशेषज्ञ पैनल की कुल सदस्यता के कम से कम तीन निहाई सदस्य गैर-सरकारी होंगे।

(3) पैनल की गणपूति तीन सदस्यों में होगी।

(4) अपील प्राप्त होने के पश्चात दिन के भातर निपटाई जाएगी।

उपांचंद्र-II

[प्रभिसूचना के नियम 3 (क) के अन्तर्गत वेत्तिय]

क्वालिटी नियंत्रण —

दियासलाई का क्वालिटी नियंत्रण विनिर्माता द्वारा इसमें गलगत ग्राम-पत्री में दिए गए नियंत्रण के मूल्यों सहित भीत्र अधिकारित उत्पाद के विनिर्माण परेषण और वैकिंग स्टॉरों पर नियन्त्रित नियंत्रणों का प्रयोग करते हुए विनिर्माता को दिया जाएगा।

(i) क्या विनिर्देश और कल्पी सामग्री नियंत्रण --

(क) प्रयोग की जाने वाली कल्पी सामग्री की गुण समाचिष्ट करते हुए क्या विनिर्देश विनिर्माता द्वारा प्रधिकृत किए जाएंगे।

(ख) स्वीकृत परेण्य के साथ क्या विनिर्देशों की अपेक्षाओं की मंदिरिष्ट करते हुए या तो प्रदायकर्ता का परीक्षण या निरीक्षण प्रमाण-पत्र होना जिस दशा में फिरी विशेष प्रदायकर्ता के जैता द्वारा 10 परेण्यों में से कम से कम एक बार कालिक आच पूर्वोक्त परीक्षण या निरीक्षण प्रमाण-पत्रों की शुद्धता को सत्यापित करने के लिए की जाएंगी या क्य की गई सामग्री का या तो कारखाने की प्रयोगशाला में या प्रयोगशाला के बाहर या परीक्षण गृह में नियमित रूप से परीक्षण और निरीक्षण किया जाएगा।

(ग) निरीक्षण या परीक्षण के लिए नमूने का लिया जाना सेवान्वय घन्वेणों पर आधारित होगा।

(घ) निरीक्षण या परीक्षण किए जाने के पश्चात् स्वीकृत और प्रस्तीकृत भाल के पृथक्करण के लिए और प्रस्तीकृत सामग्री का व्यवन करने के लिए व्यवस्थित पद्धतियाँ अपनाई जाएंगी।

(ङ) उपरोक्त नियंत्रणों के संबंध में विनिर्माता द्वारा अभिलेख नियमित और व्यवस्थित रूप से रखे जाएंगे।

(ii) प्रक्रिया नियंत्रण --

(क) विनिर्माण के विभिन्न प्रक्रमों के लिए विनिर्माता द्वारा व्यौरेकार प्रक्रिया विनिर्देश विधिकृत किए जाएंगे।

(ख) प्रक्रिया विनिर्देशों में व्यधिकृत प्रक्रियाओं के नियंत्रण के लिए पर्याप्त उपकरण और उपस्कर सुविधाएं होंगी।

(ग) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रणों का सत्यापन करते को सुनिश्चित करने के लिए विनिर्माता द्वारा पर्याप्त अभिलेख रखे जाएंगे।

(iii) उत्पाद नियंत्रण --

(क) विनिर्माता के पास यह जांच करने के लिए कि उत्पाद व्यधिनियम की धारा 6 के प्रधीन मान्यताप्राप्त विनिर्देशों के अनुरूप है जांच करने के लिए या तो अपनी परीक्षण सुविधाएं होंगी या इसकी पहुंच वहाँ तक होगी जहाँ ऐसी परीक्षण सुविधाएं विद्यमान हों।

(ख) परीक्षण और निरीक्षण करने के लिए नमूना का लिया जाना लेखबद्ध घन्वेणों पर आधारित होगा।

(ग) परीक्षण के लिए नमूना लेने और किए जाने वाले निरीक्षण के बारे में पर्याप्त अभिलेख नियमित और व्यवस्थित रूप में रखे जाएंगे।

(घ) उत्पाद को जांच करने के लिए नियंत्रण के मूलतम स्तर अनुसूची में विनियिष्ट के अनुसार होंगे।

(ङ) परीक्षण नियंत्रण --

उत्पाद को अंडाकारण और अभिलहन घोनों के बौद्धन मच्छी तरह से परिवर्तित किया जाएगा।

(v) वैकिंग नियंत्रण --

वैकिंग देखने में जुटा होने और अभिलहन के बौद्धन उठाई-बराई सहन करने के लिए पर्याप्त मजबूत होंगे।

अनुसूची

परिवर्तित उत्पाद के लिए नियंत्रण के स्तर

[उपायन्न-II का उप पैरा (ii) (घ) वेक्षण]

क्रमसं.	विनिर्देशाएं	अपेक्षाएं	आवृति	टिप्पणी
1. (क)	विभिन्नों की विभाएँ	इस प्रयोजन के लिए मान्यता दत्त के अनुसार 100 नग प्राप्त मानक विनिर्देश		
(ख)	दिल्ली के लिए आधारित सकड़ी/कागज की मोटाई	"	प्रत्येक घंटे के पश्चात् नग	
2. विभाएँ कर्म--बौद्धन और विनियोग	"		प्रत्येक घंटे के पश्चात् 10 नग	
(क)	तिलियो			
(ख)	विभिन्नों			
3. प्रत्येक दिल्ली में तिलियों की संख्या	"		प्रत्येक घंटे के पश्चात् 12 दिल्ली	
4. मार्चिस सिरा				
(क)	दिल्ली के बाहर कोई भी सिरा नहीं निकलेगा		अम सं० 3 पर दिल्ली से तिलियों का 10% लिया जाएगा।	
(ख)	जब दिल्ली की वर्षण सतह पर सिरा रगड़ा जाता है और विना चिनारी छोड़ें ज्वलित होना और मार्चिस के सिरे उड़ेंगे			
5. वर्षण सतह			प्रत्येक घंटे के पश्चात् 12 दिल्ली	
6. दीपष्ठूर दिल्ली, दूटी हुई या दीसी फिट की हुई	"		-योनोत-	
7. बैकार सलाई--दूटी तथा विहृत सिरे दूटे फूटे तिरे दीहरे, दूटी हुई लकड़ियाँ	"		अम सं० 5 पर ली गई विभिन्नों से सी गई सलाईयों का 10%	
8. सुरक्षा परीक्षण	"		सत्यावन के प्रत्येक बैच की 100 दिवासिलाईया	
9. 170° सेंटीग्रेड से कम ज्वलन	"		उत्पादन के प्रत्येक बैच की 10 दिवासिलाई	
10. संचात के अधीन ज्वलन	"		-योनोत-	
11. जलने की क्षमताई	"		उत्पादन के प्रत्येक बैच की 100 दिवासिलाईया	
12. वर्षण सतह की धिसाई क्षमता	"		उत्पादन के प्रत्येक बैच के लिए पांच विभिन्नों	
13. अमावा परवा	"		-योनोत-	

परिवर्तन-III

1. परेण्यानुसार विनिर्माता

1. 1 दिवासिलाईया के परेण्य का विनिर्माता और परीक्षण यह सुनिश्चित करते के लिए किया जाएगा कि वे व्यवस्थित की धारा 6 के अधीन

मान्यताप्राप्त मानक विनिर्देशों के अनुरूप है।

1, 2 संविवास्त्रक विनिर्देशों में नमूना मानवंड की बाबत विनियिष्ट अनुबंध के प्रमाण में जीवे दी गई सरणी में यथा व्यधिकृत लागू होंगे।

सारणी-I

नमूना मानदंड

लाट के आकार	चुने जाने वाले डिब्बों की संख्या
3 से 25	3
26 से 50	4
51 से 100	5
101 से 150	6
151 से ऊपर	7

लाट :—एक ही प्रेषण में एक प्रकार की सामग्री बाजे सभी डिब्बे एक ही लाट होंगे।

1.3 उपरोक्त सारणी I के अनुसार सहसा चुने गए सभी डिब्बों में से सारणी II के अनुसार डिब्बों के आकार पर निर्भर करते हुए (क) पैकेट के कुछ नग चुनिए।

सारणी-II

कम से ० डिब्बों में (क) पैकेटों वाले चुने जाने वाले (क) पैकेटों की संख्या	कम से ० डिब्बों में (क) पैकेटों वाले चुने जाने वाले (क) पैकेटों की संख्या
12	3
60	4
120	5

1.4 1.3 से ग्रेडेक (क) पैकेट खोलिए और ग्रेडेक (क) पैकेट में से सहसा चार विधासिलाई को डिब्बियां निकालिए। (क) पैकेटों में से इस प्रकार चुनी तुड़ी डिब्बियाँ/एक नमूना होंगी। इन डिब्बियों को किर सभी डिब्बियों का बो सेंटों के बाराबर की संख्या में सहमा विभाजित किया, जाएगा एक सेट का परीक्षण किया जाएगा और दूसरा सेट नमूने के लिए होगा।

1.5 परीक्षणों की संख्या और अनुरूपता के लिए मानदंड यथा नियति संविदा में अन्यथा विनियोजित नहीं है तो परीक्षणों की संख्या और अनुरूपता के लिए मानदंड संबंधित भारतीय मानक विनियोजनों और अन्य राष्ट्रीय मानकों के अनुसार होंगी।

1.6 परीक्षण की प्रणाली :—यदि मार्किंग की निष्पादन अपेक्षा के लिए परीक्षा प्रणाली नियति संविदा में विनियोजित नहीं है तो यह सुसंगत भारतीय मानक विनियोजनों या अन्य राष्ट्रीय मानकों में विनियोजित के अनुसार होंगी।

1.7 पैकिंग :—यदि नियति संविदा में विनियोजित नहीं है तो विधासिलाई के डिब्बों की पैकिंग भर्ते विए गए के अनुसार होंगी। इस या बारह डिब्बियाँ उपयुक्त कागज में लपेटी जाएंगी, अधिमात्रता की ले रंग का कागज हो, जिसे कसा हुआ (क) पैकेट बनाने के लिए भरी प्रकार से चिपकाया या सरेस लगाया जाएगा। ऐसे बारह (क) पैकेट मध्यम मोटाई के शाफ्ट कागज में भी पैक किए जाएंगे और कसा हुया (क) पैकेट बनाने के लिए भरी प्रकार सरेस लगाया जाएगा। ऐसे पांच या दस (अ) पैकेट विटुमन पटलिया जलसह लगावार कागज में पैक किए जाएंगे और डिब्बे को कसा हुआ बनाने के लिए भरी प्रकार चिपकाया या सरेस लगाया जाएगा। विधासिलाई की प्रयोग के डिब्बी प्रत्येक (क) पैकेट, प्रयोग (अ) पैकेट और प्रयोग के डिब्बे पर विनियोजित का नाम और व्यापार चिन्ह का यथि कोई है, सकेत बते हुए लेबल चिपकाए जाएंगे।

[सं. 6(5)/81-निःनिः तथा निःनिः
सं. ० रु० रु० कुकरेता, संयुक्त निदेशक]

MINISTRY OF COMMERCE

ORDER

New Delhi, the 28th November, 1981

S.O. 3276.—Whereas, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of opinion that it is necessary or expedient so to do for the development of the export trade of India, that safety matches should be subject to inspection prior to export:

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964.

Now therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person who desires to make any objections or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of this order in the official Gazette to the Additional Director, Export Inspection Agency Calcutta World Trade Centre 14/1B, Ezra Street, (7th floor), Calcutta-700001.

PROPOSALS

(1) To notify that safety matches shall be subject to inspection prior to export :

(2) To recognise:

(a) National and International Standards and Standards of other bodies recognised by Export Inspection Council, and

(b) The specifications declared by the exporter to be the agreed specifications of the export contract between the foreign buyer and the exporter, provided the same are not below the standard specified in clause (a) as the standard specifications for safety matches.

Note: When the export contract does not indicate detailed technical requirement or is based only on samples, the exporter should furnish a written specifications.

(3) To specify the type of inspection in accordance with the draft Export of Safety Matches (Inspection) Rules, 1981, set out in Annexure I to this Order, as the type of inspection which would be applied to such safety matches.

(4) To prohibit the export in the course of international trade of such safety matches unless the same is accompanied by a certificate, issued by any of the Export Inspection Agencies established under Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the safety matches conform to the aforesaid standard specifications.

2. Nothing in this order shall apply to the export by land, sea or air of bona fide samples of safety matches to the prospective buyers provided the F.O.B. value of the consignment does not exceed rupees one hundred twenty five.

3. In this order "safety matches" means match of wood splints suitably impregnated or of a rolled and compressed thin and tough paper surrounded by and impregnated with wax, with a chemically active tip/head which ignites producing flame by striking against the friction surface of the box containing the match sticks, or its packing cover.

ANNEXURE—I

(Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)

1. Short title:—These rules may be called the Export of Safety Matches (Inspection) Rules, 1981.

2. Definitions:—In these rules unless the context otherwise requires—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963;

(b) "Agency," means any one of the Export Inspection Agencies established under section 7 of the Act;

(c) "Council", means Export Inspection Council established under section 3 of the Act;

(d) "Safety Matches" means match if wood splints suitably impregnated or of a rolled and compressed thin and tough paper surrounded by and impregnated with wax, with a chemically active tip/head which ignites producing flame by striking against the friction surface of the box containing the match sticks; or its packing cover; and

(e) "Schedule" means the schedule appended to these rules.

3. Basis of Inspection:—Inspection of safety matches shall be carried out with a view to ensure (i) that the quality of the same conforms to the specifications recognised by the Central Government under section 6 of the Act viz. (a) National and International Standards and standards of other bodies recognised by Export Inspection Council, or (b) the specifications declared by the exporter to be the agreed specifications of the Export contract between the foreign buyer and the exporter, provided the same are not below the standard recognised by Council; and

(2) that the products have been manufactured by exercising necessary inprocess quality control as specified in Annexure II to this notification;

(b) or on the basis of inspection and testing carried out in the manner specified in Annexure III to this notification.

4. Procedure of inspection—

(1) An exporter intending to export a consignment of safety matches shall give an intimation in writing to the agency furnishing therein details of the contractual specifications alongwith a copy of the export contract or order to enable the agency to carry out inspection in accordance with rule 3.

(2) For export of safety matches manufactured by exercising adequate in-process quality control as laid down in Annexure-II and the manufacturer adjudged as having adequate inprocess quality control drills by the Council Panel of Exports constituted by the Council for this purpose, the exporter shall also submit along with the intimation mentioned in sub-rule (1) a declaration that the consignment of safety matches intended for export has been manufactured by exercising adequate quality control as laid down in Annexure-II and that the consignment conforms to the standard specifications recognised for the purpose.

(3) The exporter shall furnish to the agency the identification marks applied on the consignment to be exported.

(4) Every intimation under sub-rule (1) above shall be given not less than seven days prior to the despatch of the consignment from the manufacturers premises, while intimation alongwith the declaration under sub-rule (2) shall be given not less than three days prior to the despatch of the consignment from the manufacturers premises.

(5) On receipt of the intimation under sub-rule (1) and the declaration if any under sub-rule (2), the agency—

(a) On satisfying itself that during the process of manufacture, the manufacturer had exercised adequate quality control as laid down in Annexure II and followed the instructions if any, issued by the Council in this regard to manufacture the product to conform to the standard specifications recognised for the purposes shall within three days issue a certificate declaring the consignment of safety matches as exportworthy. Where the manufacturer is not the exporter, the consignment shall be physically verified and such verification and inspection as necessary shall be carried out by the agency to ensure that the above conditions are complied with.

The agency shall however conduct spot checks of some of the consignments meant for export and also visit the units at regular interval to verify the maintenance of the adequacy of inprocess quality control drills adopted by the unit. If the manufacturing unit is found not adopting the required quality control measures at any stage of manufacture on recommendation of the officers of the Council/Agency, the unit shall be declared as not having adequate inprocess quality control drills. In such cases, the unit shall apply afresh for the approval of the adequacy of inprocess quality control drills adopted by them.

(b) in cases where the exporter has not declared under sub-rule (2) that adequate quality control as laid down in Annexure II had been exercised, on satisfying itself that the consignment of safety matches conform to the standard specifications recognised for the purpose, on the basis of inspection/testing carried out as laid down in Annexure III or on the basis of both, shall, within seven days of carrying out such inspection issue a certificate declaring the consignment of safety matches as exportworthy. Provided that where the agency is not so satisfied, it shall refuse to issue a certificate to the exporter and communicate such refusal within seven days to the exporter alongwith the reasons therefor.

(6) Where the manufacturer is not the exporter or the consignment is inspected under sub-rule (5) (b) or in both the cases, the agency shall, immediately after completion of the inspection, seal the package in the consignment in manner so as to ensure that the sealed packages cannot be tampered with. In case of rejection of the consignment, if the exporter so desires, the consignment may not be sealed by the agency but in such cases however, the exporter shall not be entitled to prefer any appeal against the rejection.

5. Place of inspection— Every inspection under these rules shall be carried out either—

(a) at the premises of the manufacturer of such products; or,

(b) at the premises of which the goods are offered by the exporter provided adequate facilities for inspection exists there-in.

6. Inspection fee—Inspection fee shall be paid by the exporter to the Agency as under:

(i) (a) For exports under inprocess quality control scheme at the rate of 0.2% of the f.o.b. value subject to a minimum of Rs. 20/- per consignment.

(b) For exports under consignmentwise inspection at the rate of 0.4% of the f.o.b. value subject to a minimum of Rs. 20/- per consignment.

(ii) Subject to the minimum of Rs. 20/- per consignment the rate shall be 0.18% and 0.36% for (a) and (b) respectively for manufacturers-exporters who are registered as Small Scale Manufacturing units with the concerned Governments of States/Union Territories.

7. Appeal.

(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (6) of rule 4 may within ten, days of the receipt of the communication of such refusal by him prefer an appeal to a Panel of experts consisting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) The Panel shall consist of at least two-thirds of non-officials of the total membership of the Panel of experts.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed off within fifteen days of its receipt.

ANNEXURE II

[See under rule 3(a) of the notification]

Quality Control

The quality control of the safety matches shall be ensured by the manufacturer by effecting the following controls at different stages of manufacture, preservation and packing of the products as laid down below together with the levels of control as set out in the Schedule appended hereto.

(i) Purchase specifications and raw materials control :

- (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of raw materials to be used.
- (b) Either the accepted consignments shall be accompanied by a Supplier's test and inspection certificate corroborating the requirements of the purchase specification, in which case occasional checks shall be conducted at least once in 10 consignments by the purchaser for a particular supplier to verify the correctness of the aforesaid test or inspection certificates or the purchased material shall be regularly tested and inspected either in the laboratory within the factory or in an outside laboratory or test house.

- (c) The sampling for inspection or test to be carried out shall be based on the recorded investigations.
- (d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials and for disposals of the rejected materials.

- (e) Adequate records in respect of the aforesaid controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process Control :

- (a) Detailed process specifications shall be laid down by the manufacturer for different stages of manufacture.
- (b) Equipment and instrumentation facilities shall be adequate to control the processes as laid down in the process specification.
- (c) Adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of the manufacture.

(iii) Product control—

- (a) The manufacturer shall have either his own testing facilities or shall have access to such testing facilities existing elsewhere to check up whether the product conforms to specifications recognised under section 6 of the Act.
- (b) Sampling for test and inspection to be carried out shall be based on the recorded investigation.
- (c) Adequate records in respect of sampling and test carried out shall be regularly and systematically maintained.
- (d) The minimum levels of control to check the products shall be as specified in Schedule.

(iv) Preservation control :

The products shall be well preserved both during the storage and the transit.

(v) Packing control :

The packages shall have a good presentability and sufficient strength to stand handling during transit.

SCHEDULE LEVELS OF CONTROL FOR FINISHED PRODUCTS

[See sub-para (iii) (d) of Annexure II]

S. No.	Characteristics	Requirements	Frequency	Remarks
1	2	3	4	5
1.	(a) Dimension of Splints	Standard specifications recognised for the purpose	Batchwise 100 PCS.	—
	(b) Thickness of wood/paper meant for match box	..	After every one hr. PCS.	—
2.	Dimension, workmanship and finish	..	After every one hr. 10 PCS.	—
	(a) Sticks			
	(b) Boxes			
3.	Number of sticks per box	..	After every one hr. 12 boxes	—

1	2	3	4	5
4. Match Head				
(a) No head shall protrude out of box	Standard specification recognised for the purpose	10% of the sticks taken from the boxes at Sr. No. 3.		
(b) shall ignite without spouting and the match head particles shall not fly when the head is struck against the friction surface of the box.				
5. Friction surface	"	After every one hr. 12 boxes		—
6. Defective boxes, broken crushed or loosely fitted	"	-do-		—
7. Unserviceable sticks—badly distorted heads, fractured heads, double, broken splints.	"	10% of the sticks taken from boxes drawn at Sr. No. 5.		—
8. Safety test	"	100 sticks per batch of production.		—
9. Ignition below 170°C	"	10 sticks per batch of production		—
10. Ignition under impact	"	-do-		—
11. Burning quality	"	100 sticks per batch of production.		—
12. Wearing strength of friction surface	"	5 boxes per batch of production		—
13. Dump proofness	"	-do-		—

ANNEXURE III

1. Consignment-wise inspection.

1.1 The consignment of safety matches shall be subjected to inspection and testing to ensure conformity of the same to the Standards specifications recognised under Section 6 of the Act.

1.2 In the absence of specific stipulation in the contractual specifications as regards sampling criteria the same laid down in Table I given below shall become applicable.

TABLE I
Scale of Sampling

Lot size	No. of cartons to be selected
3 to 25	2
26 to 50	4
51 to 100	5
101 to 150	6
151 and above	7

Lot—All the cartons containing materials of the same brand in a single consignment shall constitute a lot.

1.3 From each of the carton selected at random as per table I above select at random a certain number of packets (A) depending upon the size of the carton, in accordance with Table II.

TABLE II

No. of packets (A) in the carton	No. of packets (A) to be selected
12	3
60	4
120	5

1.4 Open each of the packet (A) in 1.3 and take out at random four match boxes from each of the packet (A). The boxes thus selected from packets (A) shall constitute a sample. These boxes shall then be divided at random into two sets of equal number of boxes. One set shall be subject to required tests and other set shall be for reference sample.

1.5 Number of tests and criteria for conformity—if not otherwise specified in the export contract the number of tests and criteria for conformity shall be as per relevant Indian Standard Specification or either National Standard.

1.6 Method of test—If not specified in the export contract method of test for performance requirements of safety matches shall be as specified in the relevant Indian Standard Specification or other National Standard.

1.7 Packing—If not specified in the export contract the packing of safety match boxes shall be as given below:—

Ten or twelve match boxes shall be wrapped in a suitable paper, preferably blue match paper, which shall be securely pasted or glued to make a tight packet (A). Twelve such packets (A) shall be packed in a craft paper or medium thickness and securely glued to make a tight packet (B). Such five or ten packets (B) shall be packed in a bituma laminated water proof thread lined paper and shall be securely pasted or glued to make a tight carton.

The match box, the packet (A), the packet (B) and the carton shall have a label affixed to each one of them indicating the manufacturer's name or trade mark, if any.

[No. 6(5)/81-EI&EP]
C.B. KUKRETI, Jt. Director

